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THE

WEEKLY REGISTER,

CONTAINING

POLITICAL,	ASTRONOMICAL,
HISTORICAL,	STATISTICAL,
GEOGRAPHICAL,	AND
SCIENTIFICAL,	BIOGRAPHICAL

DOCUMENTS, ESSAYS, AND FACTS;

TOGETHER WITH

NOTICES OF THE ACTS AND MANUFACTURES, AND A RECORD OF THE EVENTS OF THE TIMES.

H. NILES, EDITOR.

Hæc olim meminisse juvabit.—VIRGIL.

FROM SEPTEMBER 1812, TO MARCH 1813.—VOL. III.

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BRIEF ADDRESS

ON CLOSING THE THIRD VOLUME OF THE REGISTER.

After a delay much greater than was anticipated, the editor has at last the pleasure to present his readers with the *Index* for, and a voluminous *Appendix* to, the third volume of the Weekly Register. He flatters himself that the *index* will be found to answer all the purposes designed; for, considering it of the last importance to the utility of the work, and feeling the too general imperfection of things of this kind—a plan, differing in some respects from that hitherto pursued, has been adopted, which appears to combine simplicity with clearness. In the choice of matter for the Appendix we were chiefly guided by the will to add value to the Register as a *common reference*—and whatever may be thought of the selection, we claim this merit, that the *gratuity* cost us $600.

At the 70th number we suspended nearly 500 papers for the want of attention to the *terms* on which it is published. This was thought a harsh measure by some; but it should be recollected that the validity of every periodical work depends—not upon the *number* of its subscribers, but upon their *punctuality*. Notwithstanding this procedure the list of our names has increased.

With an honest pride, sustained by the favorable manner in which the Weekly Register is received by the public, the editor will zealously pursue the general plan of the work—and while he shall refuse to interfere in any of the party disputes of the times, do his best to maintain the cause of the *republic* against all its enemies: foreign and domestic. But the leading object shall be to collect and preserve an honest history and record of the events of the times, documental, military and miscellaneous.

We have only to add, (for it will give pleasure to the friends of the work) that if the Register yields to no work in America as to the number of copies printed, it has equal high ground in regard to the respectability of its subscribers; and that, lately, many of the most prominent characters in the United States are added to its patrons.

Baltimore, June 10, 1813.

Index to the Third Volume.

A
Abergaveny, the 160
Adams, the 286
Address in support of Mr. Clinton 17
Additional instructions to public and private armed vessels 191
Adjutant general's "general orders" 216 330
——— to the military committee 309
Advertisements, British taxes upon 223
Aliens, notice to 408
Alert, the 42 58
American prizes *in each no. of the volume.*
——— states, remarks of Cobbett 69
——— spirit 108
——— captains 143
——— vessels sent into Providence 191
American Seaman 296 416
——— Ingenuity 32[illegible]
——— gallantry 3[illegible]3
Algerine war 148
Algiers, documents respecting 429
Amendments to the constitution proposed 174
Anecdotes, naval 43
Angus capt. 249
Argus, the brig 191 318
Army bill 207
Army appointments 94
——— promotions 144
——— of the centre 368
Army and navy, remarks on the 403
Annoyance of the enemy 395
Arms, manufacture of 60
——— distribution of 278
Articles of confederation and perpetual union 65
Arbitration, Pennsylvania 336
Atlas privateer 59

INDEX.

Athenian society of Balt. 395
Austria, loss and gain by the treaty of Presburg 95
Aurora, the case of 423

B

Baltic, American trade to the 176
Baltimore, account of 45
——— volunteers 79 249
——— privateers 126
——— election of mayor 160
——— inspections 326
Bassano, duke of to lord Castlereagh 30
Barney, com. his cruise 158
Barlow, Mr. 272 338
Bane and antidote 220
Bayard, Mr. 78
Barker, general 138
Barbadoes *ib.*
Bellevue, attack upon 142
Belvidera frigate, see *President and Belvidera.*
Bonaparte, Jerome and Elizabeth 224
Black Rock 249
Blockade, privateer 268
Blockade of the Chesapeake 396 398 412 413
Bloomfield, general 40 196
Boston, mortality of 406
Bona privateer 268
Bridge over the Schuylkill 322
British parliament 34 337 338
——— corruption of 144
——— commerce, tables of 71
——— goods imported 110 227
——— stocks 127 352
——— challenge 61
——— expenditures 64 80
——— license, copy of one 119
——— export 125
——— proclamation 138
——— prisoners in the U. S. 157
——— in the peninsula 124
——— naval force at Halifax 157
——— order in council 243 415
——— allies 285
——— paper money 286
——— general orders 332
——— navy 366
——— *love of liberty* 329
——— *religion* 345
——— tax tables 417
Brock, general 5 25 249
Burdett Sir Francis, his address to the electors of Westminster. 356
Bulletin of the French army 384
Buffalo, riot at 396
Burr [mill] stones in Ohio 320
Bush, lieutenant tribute of respect to 63 80
Buenos Ayres 112

C

Carden, captain 269 285
Canada 5, 51, 84. 87—general staff in 336—paper money 344
Cannon improvement of 15
Cartel, Fawn 143
Cass, col. his letter to the secretary of war 37—to the editors of the Intelligencer 235
Canning, Mr. George 367
Caution, timely 128
Carneas 168
Cathcart, J. L. consul at Madeira 144
Castlereagh, lord, pensions to his family 149—his letter to the duke of Bassano 37
Catacombs of Paris 261
Campbell, col his expedition 300 316
Champlain, naval force on 171 217
Choctaw Indians 125
Chauncey, com. 59 127 205 206
Chicago 79 155
Christiana, queen of Sweden 96
Circular to collectors 119
——— to district attornies *ib.*
Claiborne's gov. speech 99
——— general orders 108
Clark the spy 294
Clay's H. speech on the army bill 359
Clemency of gov. Edwards 408
Clinton, De Witt 17
Cobbett, extracts from his Register 8 69 143
College of Medicine in Maryland 111
Colburn, Zera 176
Commerce of the U. S. orders and decrees affecting it 67
Common law 110
Comet. Hershell's account of it 176
Committee of foreign relations 367
Com. Hull, the U. S. schr. 345
Congress—articles of confederation and union 65; representatives in, a table, 103; standing committees 175; state of parties in 232; proceedings 175 192 208 221 239 285 272 287 303 319 334 357 358 383 406
Connecticut, gov. speech 4; correspondence with the secretary of war 24; declaration of the assembly 24; legislative proceedings 5, 150
Constitution of the U. S. 81
——— *amendments proposed to do.* 174 335
——— of New-Hampshire 97 113
——— of Massachusetts 129 145
——— of Connecticut 443
——— New-York 444
——— New-Jersey 447
——— Pennsylvania 449
——— Delaware 45
——— Maryland 456
——— Virginia 461
——— North-Carolina 46
——— South Carolina 464
——— Georgia 466
——— Vermont 469
——— Kentucky 472
——— Tennessee 476
Charter of Rhode-Island 441
Constitution and Guerriere 15 28 31 109 157 191 253 271 333
——— Java 397 410
Constellation frigate 217
Court martial on H. Brush 89
Continental money 88
Craig, capt. his expedition 282
Crane, lieutenant 126
Criminals in London 304
Creek Indians 16 205 216 223 272
——— Tennessee resolutions respecting them 159
Crooks, gen. his march 154
Curran, Mr. 400

D

Dacre's, captain 80 253
——— his address to the court martial 333
Delaware, gov. message 438
Delaware Indians 330
Detroit the, and Caledonia 127
Detroit, surrender of &c. 13 33 37 44
——— stores at 93
——— British official account 265
Dearborn fort, fall of 80
——— gen.—general orders 233
Denmark, late mission to 137
Debt of the United States 377
Delaware electors of President 192
Dinsmore Silas 125
Divertisement 349
Distillation of spirits 123
Distressing capture 349
Distribution of arms 278
Distances, tables of 173
Dilligent, the brig 64
Discovery, of a substitute for flax and hemp 18
Dobbins, captain 126
Domestic manufactures, Cobbett on them 8—the same 328
Dominion of the lakes 127
Documents accompanying the treasury report 244
Dorsey, Mr. his resolutions 273
Dolphin privateer 127 398
Dox, capt. 249
Drawbacks, an account of 281
Duckworth, sir John, his letters to capt. Porter and the secretary of state 92
Duane, William 394

E

East Florida, proceedings in Georgia respecting 259
Eastern frontier, colonel Ulmer's letter 365
Employment of the Indians 63
Elliott, lieut. to the secretary of the navy 157
Elizabeth Town, singular occurrence at 256
Energy in war 77
Enlistments, a decision respecting 103
England and France 37
Engineers, promotions in the corps of 28 2
Estimates of the treasury 290
Erie, fort 142 249
Exmouth (Eng.) bank, failure of 368
Erving's George W. letters 137
Events of the war—in every no. of the vol. for particulars see the various heads.
Europe, state of 220
Exchange of prisoners 92
Expenditures of the U. S. 341
——— war department 310
Evans, Oliver, his mill machinery, &c. *Addenda*

F

Fame, privateer 127
Fawn the, a cartel 143
Fifteenth regiment, the 133
Flint for guns, discovery of 240
Florida—secret business in congress respecting 49
Floridas, the 16 19 49 52 107 154 170 171 181 229
———, letter of the gov. 311
Flax, a substitute for 188
Flaxseed imported into Ireland 10
Forsyth's attack on Elizabeth-town, 408
———, his expedition to Gananoque 93
Fort Gansevoort 215
——— Winchester *ib.*
Frontier distances 173
France and England 37
France, imperial family of 149
French troops in Spain, 208
French and Russians 255
French fleet 336
——— army 32 48
Funk, lt. notice of his death 302

G

Gaines, colonel E. P. 216
Gananoque, surprise of 93 171
Globe privateer 16
Geographical table 121
Georgia, members of congress from 160
——— message of the governor 193 260
——— legislature 259
Gemmill, Mr. his resolutions 245 343
Goldsmids 64
Gold coins, foreign 310
Green mountain boys 220
Graham, midshipman 366
Griswold R. 160
Guerriere—see *Constitution and Gurrierre,*

H

Hamilton, gen. to Mr. Pickering 148
Hawkins, col. respecting the Creeks 155
Hamilton, lieut. his arrival at Washington 238
Hamilton, Paul resigns 288
Halifax, a letter from 239
Hanson, A. C. 112
Harrison, fort defence of 90
——— general 40 107 125 154 331
Heald, capt. at Chicago 155
Hawkins colonel 205
Herberts tax tables 417
Highflyer privateer 44
Hiram, the of Baltimore 425 416
Home influence 329
Honey, poisonous 223
Hopkins, Gen. 142 170 190 204 264
Hull, Gen. 18 53 58 80 344
——, captain 28 59 126
——, ——— anecdote of 159
Hurricane at New-Orleans 64

I

Jamaica exports 63
Jane, sloop 238
Java frigate—see *Constitution and Java.*
Impressment, an essay on 174
———, cases of 325 479
Impressed seamen, correspondence respecting 342
Imperial family of France 149
Indian council 104—proposition 105—treaty 106—war 204
Indians, the Sioux 106—of St Regis 108—friendly 126 128 249
Internal navigation 346
Jones, capt, 205 17
———, opinion of the court 301
Junon frigate 128

K

Kenawa salt works 123
Kentucky legislature 274 389
——— volunteers 25 171 389
Kinderland governor 156
King's Mountain men 171 325
Kickapoo towns attacked 408
Kingston, attack upon 206 218
Killed and wounded, comparative loss 252
Knitting of the bonds 350

L

Letters. mr. Monroe to mr. Russel 161
mr. Graham to the same *ib.*
mr. Monroe to the same 162 178
mr. Russel to mr. Monroe 163 177 178 183 184
lord Castlereagh to mr. Russel 163 177 178
reply to ditto 163
mr. Russel to ld Castlereagh 163 171 178
ld. Castlereagh to mr. Russel 164
reply to do. *ib.*
gen. Tupper to gen. Harrison 167
com. Rodgers to the secretary of the navy 172
mr. Hamilton to mr. Russel 178
mr. Russel to mr. Hamilton *ib.*
gen. Van Rensellar to gen. Smyth 191
mr. Dennison to the secretary of the navy *ib.*
gen. Smyth to the editors of the Nat. Intelligencer 203
mr. Savage to the secretary of state 296
——— to admiral Sterling, &c. *ib.*
B. Garzia to gov. Mitchell 311
gov. Snyder to the secretary of war—and reply 330
mr. Mitchell to the secretary of state 342
sir J.B. Warren to mr Mitchell, &c. *ib.*
com. Rodgers to the secretary of the navy *ib.*
col. Winder to gen. Smyth 363
col. Ulmer to the selectmen of Eastport 264
com. Chauncey to midshipman Graham 366
secretary of war to the military committee 392
secretary of the treasury to to the committee of ways and means, &c. 393
col. Porter to gen. Dearborn 408
capt. Byron to capt. Stewart, &c. 412
secretary of war to governor Meigs 79
Law case 60 71 113 180 294 416 423 435
Laws of the U. States 66 290
Lawrence capt. to the secretary of the navy, &c. 270
Lacole 233
Law of South Carolina on dueiling 305
Lady Johnson, a prize 366
Lear, consul 96 148
Lewis, commodore 269
Live the constitution 378

INDEX.

Literature, oration on 1
Licenses, British 22 40
Licensed vessels 265
Lloyd, mr. 78
Lochaway towns 171 235
Longevity, instance of 96
Louisiana, governor's speech 99
London, criminals in 176
Love of Liberty, British 329
Loans of the U. States from the year 1791 378
Louisiana 16

M

Maroons 95
Massachusetts, gov. speech 116 354
legislature 128 144 390
constitution of 129
Maryland—election 96 112 176 192—college of Medicine 112 legislature 271 305 321 353 386
Manchester (E.) troops at 368
Macedonian frigate—*see U. States and Macedonian.*
Madison, the ship 252
Manufactures 173 188 189
M'Feely, col. to gen. Smyth 250
M'Kim's mr. motion 407
Massisineway towns 300
Matthews, gen. 20
Massena 128
Meigs, gov. 39 60 69 79 123 134
Messages of the President 150 171 175 253 278 290 342 407 429
——— of governors—see the states.
Merino sheep 128
Mexico 64 104 144 272 188 352
Mitchell, gov. 312
Michilimackinac 57 105
Michigan territory 92
Middleton, gov. 50
Military stores 126 142—execution 141—movements 142—expresses 156—supplies 219 295—weapons (new) 320
Miller, lt. col. 126 316
Miranda 112 288
Mississippi territory 249
Mint establishment 310
Montague lord 211
Moultrie, gen. 202
Modern Antiquities 88
Moon, capt. his statement 173
Morris, captain 232
Moreau, elegant 223
Montgomery privateer 345
Moss, Richard 318
Mobile 410
Munroe's treaty 196
Muller mr. 128

N

Naval force of the U. States on Champlain 217—*warfare* 61—volunteers 191—establishment 241 255—promotions 269—victories honored at New-York 301 312—force of the U. S. revolutionary 403
Navy of the U. S. on the increase 61 159
——— *remarks on the* 239 270
——— do. (British) 271
Navigation Internal 346 352
Naturalized seamen 355
Nautical novelty 59
Nautilus, the brig 43 126
Newcomb, lieut. 345
Newman's expedition 156 171 255
New-York, arrivals at 59—privateers 111 120—troops at 363—appointment of electors 192—legislature 211—council of appointment 352—congressional election 368
militia 363
Newhampshire—governor's proclamation 101—election 176—gov. speech 209—volunteers 216 233
New-Jersey election 144—of the gov. 160—declaration 179—representation of the minority 213
Nevis, cruel incident at 110
New-Orleans 64
Niagara, fort attacked 250
Non-importation law 309
Noon, major 240
Norfolk, preparations at 283
North Western country 105—army 48 252 282 344 380 408
North Carolina, legislature 213 volunteers 268
Nonsuch privateer 17

O

Ogden gov. 199 203
Ogdensburg 126 238
Ohio—governor's proclamation 35—address to the governor 134—election of governor 160—of members of congress 188—governor's speech 289—volunteers 316 355 376
Ontario 126 142
Orange county, N. Y. 215
Oration on literature 1
Order in council 35 243—remarks upon 35—duties payable under the 78

P

"*Passing remarks*" 195
Paper, a machine for making it 96
Patents, directions concerning 135
Paris, the catacombs 261
Paper money, British 286
———, Continental 88
Patriotism of the fair 287
Patents issued in 1812 399
Petersburg volunteers 142 202 282
Perpetual motion 144 192 335 351 357 384
Pennsylvania volunteers 154
legislature 225 240 245 269 344 358
militia 240—election 192
income of 335
Peninsula, affairs in the 350
Piqua, treaty at 58
Pike, col. Z. M. letter to the editor of the Aurora 133—a proclamation by 344
Pillar of fire 304
Plumer, gov. 101—his speech 209
"*Point in controversy*" 302
Poland, 50
Porter, capt. official letters 41
his reply to capt. Yeo 61
Political table 48 232
Pope, the 48
Porter P. B. address 233 264
statement of 284
President of the U. S. relative to the election of the 63 131 133 176 208 224
President frigate 58 301
——— and Belvidera 26 155
Prisoners, American 155 322 365
Prize-money, distribution of 298
Privateers, relating to 40 120 187 276 111 120 366
Prevost, sir George—proclamation by 87
Prince Regent—speech 34
proclamation by 286 287
Proclamation of gen. Smyth 203 216
Proctor, col. in the Michigan territory 92
Public papers. *domestic*—private armed vessels 40—East Florida 19—deserters 101—the sec. of state and admiral Warren 135
Foreign—gov. Brock 5 25—France and England 37

Q

Quebec, government stores arrive at 119
Queenstown, battle at 125 138 140 141 154 156 169
Quincey, Mr. his speech on the army bill 306

R

Rattlesnake, the brig 224
Receipts and expenditures of the U. S. 326 341
Revenue of the U. S. 3
Report of the sec. of state 67 355
Report of the sec. of the treasury 227 231 244 277 299 326 341 376 390
——— of the com. of ways and means 208 251 393
——— on naval affairs 241 257
——— of foreign relations 359
——— of the commissioners of the sinking fund 404
Representatives in congress 103
Recruiting instructions 330
Red Jacket 126
Religion, british 345
Retaliation 192 220 358—Indian 223
Revolutionary paper-money 88
virtue 261—government 377
naval force 403
Reynolds, Dr. James—death 58
Rhode Island, message of the governor 179
Riker, R. letter to messrs. Taylor and Spencer 133
Roman antiquities 160
Roads from Chilicothe to Detroit 95—tables of 173
Rodgers, com. 26 40 252 286
Russia 254
Russia and Spain 186
——— war in 128—commerce 95
proclamation 347
Russian ships in the Tagus 48
——— fleet sent to England 272
Rush, R. to col. Cass 235
Russel, col. 205

S

Sarah-Ann privateer 172
Sackett's Harbor 26 173
Sandusky 108
Savannah, a vessel destroyed at 160
Saratoga privateer 345
Salem privateers 366
Saucy Jack 399
Secret journal of the H. of Representatives 49
Sea fencibles 269
Seamen's bill 361
Seminole Indians 156
Seramporo 240
Shadow privateer 29
Simulated papers 63
Sicilian constitution 201
Sisson, Alexr. 352
Sinking fund U. S. 404
Slave trade 189
Smyth, gen. at Buffalo 203 216 257 263 282
duel with col. Porter 283 368
Smith, col. 249
Smuggling 335
South Carolina—gov. speech 50
members of congress 160
legislature 269 275 305
Southern frontier, state of 107
Southcomb, capt. death of 412
Spirit of the nation 45
Spanish and Russian treaty 186
Spaniards, character of the 98
Sparrow privateer 365
Spencer and Taylor 133
Spirits, distillation of 123
Speech of the gov. of Virginia 115—of Mass. 116—of Ten. 118—of N. York 16
Statistics—general table 121
Sterling, Elijah an impressed seaman 219
Steel's lists 333
Steam engines 110—boats 204
Evan's invention—see *Addenda.*
Stansbury gen. 288
Stow, mr. his speech 303
St. Regis 171
Sun, moon and star, visible 128
Swartwout, col. R. thanks to 249
Sweden 32

T

Tamerlane, the 345
Tannehill's brigade 363
Taylor, captain Z. 79 90 160
Tecumseh 25
Tennessee—gov. speech 113—legislature 160—volunteers 267 408
Timely notice 222
Tompkins, governor 211
Tonnage of the U. States 399
Toasts at New-York 224
Travelling amusement 190
Treasury estimates 209
——— notes 350
Treaty—Monroe's 196—Sweden and Great Britain 298
Tulip, the brig 60 71 180
Tupper, gen. 134 167 217
Tax tables, British 417
Tea, consumed 440

U

U. States and Macedonian 237 252 253 285 317 318
Upper Canada 84
Urtica Whitlowi 188

V

Van Rensellear to Tompkins 138 154 202 250
Vermont—gov. election 128—Presidential nomination 133—legislature 154 220—senator 160—volunteers 190—members of congress 320 335
Vessels of the enemy captured 122
Vincennes 25
Virginia—gov. speech 115—message 246—legislature 256 408—finances 343 368
Vixen, brig 365
Volunteers 282 300

W

Wahabites 6
War, materials of 60—*on the ocean* 122—Events, in every number.
Warren admiral, 59 153 207 279—his fleet 126
War expenditures (U. S.) 310
Warsaw, duchy of 50
Wasp and Frolic 156 205 217 219 252 323 332
Wales, prince of 286
Washington's farewell address 385 401
Weekly Register, terms 1 288
West-Indies—British commerce with 71
West Florida 181
Whiskey, tax proposed on 407
Winchester, gen. 107 383 396 408 409
Wilkinson, capt. to the editor 154
Williams, John 190
Williams' Mr. speech 291
Wilkinson, gen. 57
Woolsey, lieutenant 26
Wright, Mr. his retaliatory bill 192

Y

Yankee privateer 30
Yankee trick 172—frolic, a song 315
Yazoo deposit 260—claims, report on 390
Yeo, sir James 61 364
Yeas & nays in the H. of R. on the meeting of congress in May 406
——— on the bill to suspend non-importation *ib.*
——— on Mr. McKim's motion 407 respecting the exportation of bread stuff 175 222
——— on the new army bill 207
——— on the merchants bonds 287
——— on raising the bounty of the soldiers 287
——— on the loan bill 351
——— on the militia bill 362
——— on the bill to compensate the officers & crew of the frigate Constitution, &c. 362
——— on the seamen's bill 392
——— on Mr. Little's motion 395
Yeas & nays—in the Senate U. S. concerning the pay of the army 221
——— on increasing the navy 255
——— on fines and forfeitures *ib.*
——— on the bounty to the soldiers 344
——— on engrossing the yazoo bill, &c *ib.*
——— on the retaliation bill 406
——— on the seamen's bill *ib.*
Yorktown privateer 143

Z

Zanesville 350

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Hæc olim meminisse javabit.—Virgil.

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The Weekly Register.

This number commences the third volume, or second year, of the weekly register. Having in the last publication submitted a few remarks to our patrons, we have nothing to add but to re-publish the original terms of the work for the more ready reference of our early subscribers, and to state the conditions on which new subscriptions are made.

Original terms of the Register.

This work shall be published every Saturday at noon—printed on a sheet of fine super-royal paper, with a *nonpareil* or *brevier* type, and contain 16 pages octavo, at five dollars *per annum*, payable at the expiration of six months from the commencement of the publication, and annually thereafter. But subscribers, non-residents of the cities or towns in which the editor shall have an agent, must always pay in advance after the first six months above stated. Twenty-six numbers shall constitute a volume, making two large volumes in a year.

It shall be delivered in the city and precincts of Baltimore on the day of publication—and be carefully packed up and sent to subscribers residing at a distance by the first mail thereafter leaving this post-office, whithersoever it may be directed.

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The Weekly Register is published in Baltimore every Saturday, and immediately forwarded as directed, carefully packed and secured from damage, and arriving uninjured at the most remote post-offices in the union. Nay, the editor undertakes to insure its safe-carriage by supplying deficient numbers, being informed of a failure.

The price is five dollars *per annum*, for 52 numbers, forming two large volumes. For the *supplements*, which have been numerous, no extra charge is made.

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Gentlemen may be furnished from the first number, if speedy application is made, as there are for sale but 400 copies of vol. I.—but to obtain a complete file they must pay $ 10, for which, with the first and second volumes, will be forwarded a receipt for the third and fourth, also.

Of the second volume, (which commenced in March last, and comprises a most interesting period in the history of our country) 500 extra copies are for sale; subscribers may be furnished with this volume, and a receipt for the third vol. to be sent to them, on paying $ 5, or—

May commence with the third volume, the first No. of which appears this day, and be supplied with the paper for the current year, the subscription $ 5, being paid in advance.

Subscribers may be furnished with this work weekly, as it is published, or in volumes, at their option.

☞ All letters to the editor to be free of expense.

Baltimore, Sept. 5, 1812.

FOR THE WEEKLY REGISTER.

Extract from an Oration, on Literature,

Delivered in Tennessee.

An important enquiry, involved in this subject, regards the probable character of the human species, uninfluenced by literature. There is also a second enquiry, not less important than the former, which respects the amelioration of the early condition and character of the human race, under the progressive influence of literary refinement.

To preserve and perpetuate his existence, were, perhaps the first employments of man.—To perform these duties effectively, he had to declare war against every thing hostile to his life and its preservation, and, to appropriate to his own use, whatever he found beneficial in the universe around him. Feeling nothing but the pressure of increasing wants, his passions were inflamed in proportion; destitute of a knowledge of his own, and the rights of others, the obsequious slave of impulse, and ruled by the storms of unsubdued passions—collision, anarchy and despotism, successively, and in turn assailed him!—for, the law of force, the dominion of physical power alone, could restrain and repress the rapine of selfish want, crush the anarchy of contending individuals, and reduce to order and silence, the conflictions and the clamors, of rapacity and ignorance!—As yet, reason had not operated powerfully, for she had acquired but few data, from which to infer the future, by the past of man. Experience had not, as yet, even strongly inculcated the utility of reason and reflection; it had not exemplified, recurring to preceding ages, that human happiness might be the product of profound investigation of the true causes of misery, and that a profound knowledge of truth was only to be found in the labyrinths of experimental error. In fine, experience had not yet intimated to man the gradual progression by which errors of opinion, and derelictions of conduct, could be instrumental in advancing his steps to happiness and truth. Individuals, families and nations were wandering in a maze of conjecture and uncertainty, with regard to the past, and listening, with puerile credulity and superstitious awe, to the traditionary lore of ignorance, infirmity and garrulous old age. Literature had not yet unveiled, upon the page of history, the means by which sagacious and enlightened policy could give elevation, prosperity and power to human institutions—It had not yet enabled the philosophic politician to detect the lurking principles of defection and decay, that after receiving life and activity from the depravities inseparable from ignorance, luxury and idleness, paralized the virtues of the people, and sported with the fate of nations. It had not yet enabled him to trace the corrupt influences of venal administration upon the best constituted governments, and to cut off the fountains of defection and ruin, before they had sapped the foundations of popular confidence, and alienated from such governments the attachments of the people. It had not yet enabled him to distinguish between the patriot and demagogue; to demonstrate, that in their private characters alone were to be found the only evidences of political virtue and depravity—it had not taught him the salutary lesson, that the former cannot be injuri-

ous, nor the latter beneficial to the happiness of a people. But let us endeavor to trace, with as much precision as is possible, the ameliorating influence of literature, upon the individual and private characters of men. And, here we may venture to remark, that not only the dispositions, but the very manners and aspect of the people of different countries can undergo material alterations, from the accessions of knowledge and refinement which literature is calculated to impart. Perhaps it might be found, upon experiment and investigation, that the dejected, vindictive and sanguinary countenance of the poor Indian of our western forests, may, in some measure, be characterized by the condition of his mind. Is it easily to be doubted, that mental culture would open to him new sources of enjoyment, and, by imparting fervor and activity to a languid imagination, brighten the gloomy expression which at present characterizes his melancholy aspect? Can it be doubted, that mental culture would discover to him the true springs of human action, and by imparting a stronger faith in his own knowledge of the motives which actuate enlightened minds, efface the indications of suspicion from his features, and clothe them with the fascinations of open energy, and the magnanimous indications of settled and systematic bravery? Can it be doubted, that the cultivation of his mind, would, by rendering him conscious of equality with the courtly European and American votaries of literature, enlighten the savage expressions which breathe the treacheries of a timid soul, and efface the characteristics of an unhallowed propensity to revenge? Can it be doubted, that an accession of mental energy would, by unfolding the criminality of wantonly shedding the blood of a fellow being, animate his rugged features with the mild serenity of benevolence, and inculcate a salutary lesson of humanity and compassion for the defenceless?—But, what influence would a knowledge of literature produce upon his domestic enjoyments—and what innovations would it operate in his political institutions?—It would teach him to feel the felicities of a local attachment, and he would be no longer a vagabond. It would instruct him in the useful art of procuring for himself, not only the necessaries, but the luxuries of life, by moderate exertion, and he would cease to be a robber. It would impart, to his mind and feelings, that just equipoise of strength and sensibility, which leads to correct perceptions of the true science of life. And, can we imagine, that, possessing a knowledge of the genuine policy of governments, his political institutions would exhibit such a compound?—of elementary principles, neither defined nor understood;—of laws enfeebled by opposition, and nearly depending for existence upon individual consent? And, let us even proceed to examine, and compare, with the present generations of Europe, the savage character of our own ancestors, and we cannot but be struck with the contrast. The faithful page of history might here be made to unrol one of the most sanguinary pictures upon the records of time. We might see the country from which our forefathers emigrated, ravaged in succession by military despots, who were successively allured by hopes of plunder, to wade to its empire through the devastation and carnage of their predecessors!—And we could be at no loss to discover, in the hordes of barbarians that were embodied for such conquest and robbery, the progenitors of the present enlightened inhabitants of Europe and our own country. Indeed, it is not improbable, that if the infancy of all nations could be passed in review and the night of antiquity invaded by the genius of research, we could scarcely be persuaded to recognize, in the civilization of the present generations, the offspring of such barbarous and sanguinary ages. Even the wars of those times, of which we are now speaking, were predicated upon other principles than at present agitate the continent of Europe. The *right* to life, to liberty and the enjoyment of the product of his own industry, never invited the ancient illiterate barbarian either to aggression or defence. He knew of no *rights*, for he knew not the principles of his own nature; and his incentives to war were his wants and his cupidity. *Right* was a term not found in the vocabulary of his language; *power* gave him his title, by the possession of whatever could allure his rapacity. He knew little, perhaps nothing, of the laws of *nature* and *revelation*, and he was, consequently, incapable of discovering the abstract and immutable principles of justice. In fine, he was ignorant; and, not being in possession of any record of the knowledge and the fate of anterior generations, all attempts to ameliorate such a condition were fruitless—the pinions of his genius drooped in the vacuum of antiquity!

We have now bestowed some attention, upon the probable condition of our species, unrefined by *literature*, and unaided by the knowledge it imparts: let us endeavor to trace some of its progressive steps, and salutary influences upon individuals and nations.

It cannot be doubted, that the capacity of progressing in knowledge, distinguishes humanity from the inferior orders of creation; but, there can be little difficulty in also acknowledging, that untaught and savage man is but one remove from the condition of other animals in the universe. Abandoned to the formation of his own destiny, and put upon the discovery of means to procure his own happiness, after his expulsion from Eden, he found himself in want of every thing, and pressed upon by the difficulties and dangers of untried existence. Endowed with faculties of strong perception, and feeling the hostile action of the elements around him, experiment disclosed the means of ameliorating his painful sensations, and he invested his body with attire. The importunities of hunger and thirst made irresistible claims on him, and experience suggested the means of alleviation. Finding himself the sport of elementary commotion, that the rains deluged, that the thunders terrified, and that the very animals around him were his enemies, he raised a shed to cover, and a rampart to defend him; and, it was not until after he had subdued the miseries of his primitive condition, and felt elation at the conquest, that he found leisure to contemplate himself. Finding, that nature had attached pleasurable sensations to the banishment of his painful and comfortless situation, and that he was susceptible of higher than negative enjoyments, his faculties were roused, and he sought in experiment a knowledge of the means of positive happiness. From the stores of his memory, he drew the images of what had afforded him pleasure, and what had been productive of pain; and, reasoning upon the future by the past, he embraced the one and avoided the other. But, the knowledge of what experiment had imparted, would be of no importance to any but himself, and those who would listen to the simple story of his experience, for he had no authentic means of transmitting his knowledge to posterity: *tradition*, indeed, might be the vehicle of its conveyance, to perhaps the third successive generation, but, what mutilations would it be doomed to undergo, from ignorance and defective memory. *Literature alone would furnish the means of its authentic transmission, and preserve, in unfading characters, a legible record of the knowledge and the fate of past generations!* But, after having made the discovery of his capacity for positive enjoyment, and whilst progressing in the felicitous experience of new wants with the means of supplying them, man forgot to calculate, with pre-

cision, how much was required to render him happy—and he coveted every thing around him. Omitting for a time to reverence the admonitions of experience, which in vain held forth the salutary lesson, that in order to secure his own, he must respect the rights of others, he became, in succession, a prey to the conflictions of rapine, and the ravages of war. Finding, that the ties of common interest, and the sentiments of common danger, were uniting his fellow beings into families, tribes, and nations, he consented, from necessity, to impart to rulers of his own selection the right to command his concurrence in strengthening the confederation that afforded him protection. And, experience disclosing to him the necessity of establising rules for the adjustment of his claims, and tribunals invested with power to enforce them and preserve their balance, he found, in submitting to the salutary dictates of legislative and judicial wisdom, security for the protection of his rights, and liberty for their enjoyment. But, must not succeeding generations, wanting the wisdom of that experience which gave rise to the salutary institutions of their predecessors, have fallen into anarchy and confusion? How easily, in fruition and the lapse of time, must they have parted with a remembrance of the genuine value of all the institutions of their ancestors;—and, because tradition could not revive, in the minds of succeeding, the wisdom of former ages—and, there existing no means of perpetuating a record of the knowledge and the fate of past generations, the history of man, before the birth of literature, could have presented nothing but a sanguinary catalogue of dreadful revolutions in his fortune. Discouraged in some measure by his want of success, and losing confidence in his own judgment, man, in the vigor of life, and the meridian of intellect, was thus seen to submit himself to the direction and control of traditionary wisdom issuing from the trembling lips of infirm and superannuated age! and, after ascertaining by a lesson of experience the inutility of applications for advice to such an oracle, he voluntarily submitted his judgment to the dominion of impostors of every description—magicians, astrologers, soothsayers, who, pretending to a prescience of the future, without judging by the past, after a circle of vicissitudes, and abuses of christian divinity, led him, a captive of the grossest superstitions, to the foot of the throne of ecclesiastical despotism!—At length, fatigued and disgusted with traditionary lore, and indignant at the oppressive impositions of those who pretended to the mysticisms of sorcery, magic and astrology, and recollecting that he had only learned to guard against evils by being subjected to their influence, he began to suspect, that in a knowledge of the past was to be sought the only means of obviating the miseries of the future. He remembered, among many other suggestions of profound reflection, that he had detected himself in deviations from his own happiness, by experiencing the heavy pressure of calamities annexed to the commission of certain deeds, and he formed a code of laws, which he denominated those of nature. Referring his knowledge of particular facts to the discovery of general principles, he next unfolded the elements of science; and, not having learned as yet "to barter solid strength for feeble splendor," he defined them to be knowledge explainable upon those general principles. He had not as yet, however, found means of perpetuating a knowledge of the result of his experience, and the efforts of his reason: and, feeling some vanity for his exertions, and willing also that posterity might be benefited by his discoveries, and eulogize his memory, he tried various expedients, to leave behind him testimonies of his sagacity, and monuments of his power. Hieroglyphics and pyramids were resorted to in some countries, and pillars and public edifices in others. But, knowing all these to be liable to decay, and that their true meaning might be easily misunderstood or forgotten, he was not satisfied with a medium of intelligence, until *literature arose to record the knowledge and the fate of past generations!*—Then, the affections of man for his posterity were revived, and his desire to be remembered with gratitude and admiration was spurred into new energy. Feeling a secret pleasure in the approbation of his contemporaries, and that to command their admiration was productive of happiness, he could not long be satisfied with *their* praises alone; but, knowing the means to be within his reach, and *impelled by a sentiment of immortality*, he proceeded to record his knowledge and experience, and *the desire of fame* magnified itself into a ruling passion!—He commenced, by perpetuating, in literary characters, the traditional romances of heroes and distinguished men; and because the powers of his fancy were inversely to his acquisitions of rational knowledge, the early stages of his literature, present nothing but poetical descriptions of prodigies that never existed, and historical transactions that defy belief. But, in progress of time, and by imperceptible degrees, experience began to correct the exuberance of imagination, and he commenced the slow and painful process of arriving at distinctions between the probable and impossible—until, with the help of hieroglyphical and other fountains of ancient lore, he succeeded in transmitting through successive ages, *a legible record* of the knowledge and the fate of past generations!—A record, that holds up to our view, the memory of past times, and the science of ages; that perpetuates, for our inspection, the lives of those of our progenitors who were worthy of admiration and fame, and prevents the oblivion of those who were entitled to execration and infamy: that leads us, easily, into all the sources of individual and national prosperity, and points out the causes of individual and national misfortune: that comprises a salutary lesson for the individual, and a code of principles for the contemplation of the statesman and politician; a mirror that reflects the materials of which the successive governments of the world have been composed, and rescues from forgetfulness, the true causes of their elevation and decline:—A record which constitutes the only source, from which, at this day, can be drawn a knowledge of the true causes that are reviving, in our own country, the expiring energies, and departing splendor of Europe—without the aid of literature, an authentic enunciation of the christian religion, and the revealed volitions of Deity, could scarcely have been heard by the present generations; and, we might have been wandering in a labyrinth of error, and subjected to deprivations of all due earthly comforts and supreme consolations of christianity. The exercises connected with its pursuits, soften and dignify the human soul; and, by pointing out the means of alleviating the miseries inseparably attached to our conditions, cultivates our sensibilities, and elicits the tear of compassion for the miseries of those around us. It is a record, whose admonitions benumb the gripe of avarice, and relax the muscles of extortion; that never fails to incite us to espouse the cause of the oppressed, and to feel an interest in overwhelming the powerful oppressor! In fine, it is to the salutary influence of literature, that we are, in a great measure indebted for the individual, domestic and national happiness we enjoy; and a rational calculation with the hope of certainty may be indulged, that our condition can never suffer a mutation, until by disregard of its true spirit we cease to deserve the felicities that tread in its footsteps.

Legislature of Connecticut.

On Tuesday the 25th ult. the General Assembly commenced their extra session at New-Haven. His excellency governor Griswold was prevented, by the delicate state of his health and the badness of the weather, from prosecuting his journey from Lyme to New-Haven. We trust he will be able to meet the legislature before the close of the session.

After the two houses were assembled in the council chamber, lieutenant-governor Smith communicated to them the following message from his excellency governor Griswold, together with the correspondence which had passed between the executive of Connecticut and the general government on the subject of the drafted militia.

MESSAGE.

Gentlemen of the Council, Mr. Speaker, and Gentlemen of the House of Representatives,

Several important matters growing out of the war, in which we are unhappily engaged, appear to demand the immediate attention of the legislature; and although aware of the expense and inconvenience attending a meeting of the general assembly, at this season of the year, and at a time so near the fall session, yet, I trust, on a full examination, of all the circumstances, it will appear that the measure has become highly expedient. To render our public concerns, however, intelligible, it will be necessary to unfold the events which have attended us.

It is known to the assembly, that on the 10th of April last, congress passed an act, to detach one hundred thousand militia, for the service of the United States, and that three thousand men, the quota of this state agreeably to the orders of the President, were promptly detached, and held in readiness, for the exigencies pointed out by the constitution and the law.

The act of congress, and the measures regarding it, were communicated at the last session, and will be again laid before you. After your adjournment a letter was received from the war department, dated June 12th, transferring the duty of calling for the men, to general Dearborn; and requesting the requisition might be complied with.

As nothing appeared in this communication but a wish of the president to confide this duty to an officer of rank, who, it was understood would be charged with the general command of the troops in the northern states, and as it could not be expected that the president of the United States would authorise an order, which would be repugnant to the constitution, I did not hesitate to inform the secretary of war, that any requisition which the president might make through general Dearborn, should be complied with.

Soon after these transactions, at a time when I was pursuing a journey for my health, a letter was received from general Dearborn, requiring four companies of drafted militia, to march, and to be placed under the command of the officer, at Fort Trumbull, at New-London, and one company to march for the battery near New-Haven. An attention to the terms of general Dearborn's letter, fully satisfied me that the requisition was unconstitutional, and could not be complied with. I had noticed that important provision in the constitution of the United States, which authorises the President to call into service the militia "to repel invasion, suppress insurrections and to aid in the execution of the laws;" and it was with satisfaction that I had noticed that the act of congress had strictly followed the principle of the constitution.

But although I entertained no doubts regarding my duty, yet as I viewed the step which it became necessary to take highly important, it became proper for me to obtain the reasonings and opinions of the council on the occasion.

That body was accordingly convened at Hartford, and it gave me great satisfaction to find that their opinions concurred with my own. Thinking it necessary however, to pursue my journey, his honor governor Smith, was so good as to take charge of the correspondence, which had become necessary on the occasion; and by his letter to the secretary of war of the 2d of July, communicated the opinion entertained in this state, and our determination respecting the requisition.

The secretary in reply, dated July 14th, in language unusual, and altogether unexpected, appeared to claim a promise, contained in my letter of the 12th of June, to execute any requisition which should be made by general Dearborn. This strange insinuation which originated in expressions of civility to the president, and could not with decency have been omitted, was repelled.

In a letter from the war department the subject was also placed in a point of view, which appeared to require a new consideration—and a second meeting of the council was accordingly deemed necessary. The gentlemen comprising that body, were again fully consulted, and every view of the subject has been taken of which it appeared susceptible, and we have been confirmed in the opinion, which we first formed, and the council have again advised that nothing has taken place to justify me in executing the requisition of general Dearborn.

All the papers to which I have referred, together with a general proclamation, concisely explaining the facts which have taken place, and the views which have been entertained, at this important period, will be now communicated for your inspection.

The importance of this measure both as it regards the security of the state, and as it may also form a precedent on future occasions, rendered it highly important to consult the general assembly.

But the inconvenience of convening so large a body and the early period of the fall session, induced me to submit to the temporary disadvantage of a delay, rather than subject the immediate representatives of the people to so much inconvenience. Several new circumstances, however, having arisen, which it appeared to me could not with propriety admit of delay, I have thought it my duty, at this time, to convene the legislative body, and avail myself of the occasion to solicit your immediate attention to the proceedings of the council, and your deliberate opinion on the measure which has been taken. This becomes more immediately important from the consideration, that if any errors have been committed, they may at this time be corrected, without much inconvenience.

The necessity of obtaining supplies of military stores—on this emergency, in addition to those already on hand, will be universally felt—and finding the price and scarcity rapidly increasing, I thought no consideration could justify a delay, in calling the attention of the legislature immediately to that subject. It can scarcely be necessary to inform you, that military stores are not to be expected from the general government—and that we have reason to expect, that the regular troops will be principally called from the sea coast, and of course the state will be left to defend itself, if exposed to foreign invasion.

It may also be observed that it is unwise to depend altogether upon the general government for the defence of our own coast.

The extensive territory, which it has been the national policy to grasp within our jurisdiction, and

the great number of points requiring defence, together with an unhappy disposition to enlarge our extended frontier by new conquests, will probably demand all the military force in the power of government for similar objects. This appears to be the determination at this time, and the important business of garrisoning the coast must be left to the militia, or neglected.

But if these essential interests are disregarded, we must not neglect ourselves; and I trust, that the present occasion, will furnish the best reasons for improving the militia, both in organization and discipline, and for obtaining ample supplies of arms and military stores, and placing ourselves on a respectable footing for defence.———It is also proper to avail ourselves of every principle in the constitution for rendering our means effectual, and the least inconvenient.

Among other provisions in the constitution, it will be found, that in time of war, the states may organize and support a military force of their own, and which cannot under any circumstances be controuled by the general government, and which may undoubtedly be applied in all cases to the defence of the state.—Whether such force will become immediately necessary, the general assembly will judge; but as the subject can be examined, and a plan partially digested without expence, and measures for a speedy execution of the principle at an early but future session, I feel it my duty to recommend that subject to your consideration.

In recommending this measure, it is far from my intention to propose that the state troops should at any time during the war, be withheld from aiding the national and neighboring states' forces, in the common defence; but to increase the strength of those corps, and particularly to apply that body of men to our own defence—Should our frontier at any future time be unhappily abandoned.

Nor will it be understood, that whilst I feel it my duty to recommend the necessary preparation, for arraying every description of constitutional and military force, which may be proper for our defence, that I wish to urge a step which may interfere with any liberal measure, which the general government may take for the same object.

To the general government, we must and ought to look for security, and trust that a time will come when a full knowledge of our resources, will place the safety of our sea-coast on that naval defence, which, alone, is capable of giving complete security.

Although it has been thought correct in this state on ordinary occasions for the state government to leave the national councils to pursue their own measures without interference, yet I submit to your consideration, whether this is not an occasion on which that principle should be dispensed with; and whether it is not proper that the general assembly should, by a plain and decisive address to the president, express their own opinion, and that of their constituents, on the important questions which have recently occurred.

It is certainly necessary that the public opinion should be known by the president on the question of war; and it is presumed, when expressed by the legislature of a state, it will be respected.

Many other matters may occur, requiring your attention; you may be assured of the support which it may be in my power to give.

Whatever events, however, may take place, you may be satisfied that the faithful preservation of the public peace—a rigid and prompt execution of the laws, under which we happily live, and which form our security—together with a strict adherence to our form of government and of the constitution of the United States—will compose the basis of the administration of government in the state.

Trusting, gentlemen, that the God of our fathers will not desert us on this occasion, and that our safety is in him—I have only to implore his guidance in all our proceedings, and his smiles on all our deliberations.

ROGER GRISWOLD.

EXTRA SESSION,

4th Tuesday, August, 1812.—In the course of the afternoon, three committees were appointed on the three prominent subjects of his excellency's message. The honorable Mr. Goddard of the council, and one member from each county from the house on that part of the message which respected the correspondence between the general and state governments; the honorable Messrs. Austin and Champion, of the council, and two members from each county from the house on the purchase of arms and ammunition; and the honorable Mr. Dagget from the council, and one member from each county from the house, on an address to the president of the U. States.

The legislature adjourned on Saturday the 29th ult. after passing a law appropriating $50,000 for the purchase of arms and other munitions of war, and authorising the governor to accept of the services of any volunteer corps which might offer, for the defence of the state only, to be under the command and control of none but their own officers.

The committee appointed to take into consideration that part of the governor's message which relates to his correspondence with the secretary of war and major-general Dearborn, made a report decidedly supporting the stand the governor had taken—which report, with a resolve approbatory of his conduct, passed the legislature. They have also published a declaration disapproving of the war, but manifesting their disposition "to perform all the obligations resulting from this act" [of war.] These papers with the documents that accompanied the governor's message, shall be duly *registered.*

Upper Canada.

York, *July* 23.—Yesterday at an early hour, his honor Isaac Brock, esquire, president, administering the government of Upper Canada, and major-general commanding his majesty's forces therein, arrived at this place from Fort George, and accompanied by a numerous suite, proceeded to the government buildings at 4 P. M. when he opened the present extra session of the legislature, and delivered the following speech to both houses:—

Hon. gentlemen of the legislative council,
and gentlemen of the house of Assembly,

The urgency of the present crisis is the only consideration which could have induced me to call you together at a time when public as well as private duties elsewhere, demand your care and attention.

But, gentlemen, when invaded by an enemy whose avowed object is the entire conquest of this province; the voice of loyalty, as well as of interest, calls aloud to every person in the sphere in which he is placed to defend his country.

Our militia have heard that voice and have obeyed it: they have evinced by the promptitude and loyalty of their counduct, that they are worthy of the king whom they serve, and of the constitution which they enjoy; and it affords me particular satisfaction, that while I address you as legislators, I speak to men who in the day of danger, will be ready to assist not only with their counsel, but with their arms.

We look, gentlemen, to our militia as well as to the regular forces, for our protection; but I should be wanting to that important trust committed to my care, if I attempted to conceal (what experience the great instructor of mankind, and especially of legislators has discovered) that amendment is necessary in our militia laws to render them efficient.

It is for you to consider what further improvements they still may require.

Hon. gentlemen of the legislative council,
and gentlemen of the House of Assembly,

From the history and experience of our mother country, we learn, that in times of actual invasion or internal commotion, the ordinary course of criminal law, has been found inadequate to secure his majesty's government from private treachery as well as from open disaffection, and that at such times its legislature has found it expedient to enact laws restraining for a limited period, the liberty of individuals in many cases where it would be dangerous to expose the particulars of the charge, and although the actual invasion of the province might justify me in the exercise of the full powers reposed in me on such an emergency, yet it will be more agreeable to me to receive the sanction of both houses.

A few traitors have already joined the enemy, have been suffered to come into the country with impunity, and have been harbored and concealed in the interior; yet the general spirit of loyalty which appears to pervade the inhabitants of this province, is such as to authorise a just expectation, that their efforts to mislead and deceive, will be unavailing.—The disaffected I am convinced are few—to protect and defend the loyal inhabitants from their machinations is an object worthy of your most serious deliberations.

We are engaged in an awful and eventful contest. By unanimity and dispatch in our councils, and by vigor in our operations, we may teach the enemy this lesson, that a country defended by FREEMEN enthusiastically devoted to the cause of their king and constitution can never be conquered.

Account of the Wahabites.

The present is the "age of revolutions"——Asia, as well as Europe and America, appears destined to endure great and important political changes. The crescent of Mohammed, long tottering on the western side of the Bosphorus, and assailed by moral and physical enemies that sooner or later *must* prostrate it, is attacked also from the east, whence its power originally came, by a new sect, with great force and energy. For the following account of this sect, the most satisfactory we have seen, we have the pleasure to acknowledge ourselves indebted to the *Belfast Monthly Magazine*, a work conducted with equal ability and integrity. From the manner in which the editors received it we presume it is entitled to the fullest confidence.

The foundations of this sect were laid about fifty years ago by Mohammed, son of Abdel Wahab, and grandson of Solyman, a poor Arab of the tribe of Negedi. It is said, that Solyman dreamed a flame issued from his body, that consumed both the tents of the desert, and the houses of the city: and that the Sheiks, to whom he related it, predicted, that his son, Abdel Wahab, would be the founder of a new religion, to which all the Arabs would submit. From this son the sect derived its name, though the prediction was not accomplished by him, but by the grandson of Solyman. Sheik Mohammed adopted the Koran as the basis of his doctrine, rejecting however the tradition and glosses of its commentators, and reducing the Mohammedan religion to pure deism. He declared all those who paid any devotion to Mohammed, and dared to give God a companion, blasphemers and idolators; forbade the addressing of prayers to saints or prophets; and enjoined all Mussulmen to be put to death, who persisted in their idolatry. These new and intolerant principles were not very favorably received in the towns. Expelled from Mecca, Damascus, Bagdad, and Bussorah, he addressed himself to Ebn Seoud, prince of Dreyeh, in Yemen, and found in him a partizan capable of rendering his doctrine triumphant. This chief, ambitious, brave, able, and wary, saw in them the means of accomplishing his desire of aggrandizement. He assumed the title of general of the Wahabites, and Mohammed that of pontiff; and the sovereignty thus participated, they incessantly labored to make proselytes, and extend their conquests. From Dreyeh, their capital, surrounded by sands, Ebn Seoud sent out parties to subjugate the neighboring tribes; and the rapidity of their marches and the impracticability of attacking them in the great desert, ensured their success.

But it was reserved for his son Abdelazis to render the standard of the Wahabites triumphant, throughout the peninsula. His practice was to send the Koran to any tribe he wished to subjugate and convert, with a letter to the following purport: "Abdelazis to the Arabs of the tribe of ———— health. It is your duty to believe the book I send you. Be not like the idolatrous Turks, who give God a companion. If you be believers, you are safe: if not, I declare against you a war of extermination." All the tribes of the Bedoweens were subdued in succession by the arms of Abdelazis. They who resisted, were plundered and massacred: they who submitted, were to pay him a tenth of their cattle, of their money, and of all their goods; and to send one man in ten to serve in his army. Thus in a short time this army numbered a hundred thousand men. These were mounted every two of them on a dromedary; and armed with sabres, lances, darts, and bucklers. Some of them had match-lock muskets. A skin filled with water, and another with barley meal, sufficed for the subsistence of two Arabs, and their dromedary, twenty days. Officers and soldiers were equally abstemious. Abdelazis went so far as to prohibit coffee, and the use of the pipe; and the Wahabites obeyed. Following the traces of their enemies to take them by surprize, and retire without fighting when they were pursued, they harrassed and destroyed them without any loss. When they captured a town, they destroyed the minarets and domes of the mosques, overturned the tombs, that were objects of the greatest veneration to the Mussulmen, and seized all the treasure, and all the spoil, they could find in the temples or private houses.

As Abdelazis succeeded his father Ebn Seoud in the post of generalissimo, Sheik Hussein, the eldest son of the reformer Mohammed, succeeded him as head of the law; and these two dignities have continued hereditary in their families. The intolerance of these sectaries towards the Mussulmen is greater than towards Christians or Jews: a circumstance for which the author accounts on the principle, that the animosity between sects is greater, in proportion as their creeds approach each other. When these reformers captured the town of Emaun Hessein, fifteen miles from Bagdad, they put to death every person they found, man, woman, and child, to the number of three thousand. Vast treasures were taken from the tomb of the Emaun, and two hundred camels were loaded with the spoil.

It was not till 1798, that the Porte paid any serious attention to the increase of the Wahabites. The bashaw of Bagdad was then directed to send an army

against them: but the expedition did not take place, as Abdelazis bribed his enemies by presents. Enriched by the capture of Emaun Hussein, Abdelazis was next tempted by the wealth of Mecca, the holy city, that contains the tomb of Abraham. Availing himself of a dispute between the sherif and his brother, he ordered the former to resign his office, which was by birth the right of his brother; and on his refusal he sent againt him his eldest son Seoud, at the head of a hundred thousand men. Seoud, having defeated the troops of the sherif, was preparing to enter Mecca, when the caravan appeared. It was with difficulty the Ameer Hadgy, or chief of the pilgrims, obtained permission to enter, and remain there three days; after which the army of Seoud seized on the city. The Cady and twenty Sheiks were put to death, for refusing to embrace the new doctrines; the rest became converts. The Caaba was not destroyed, but the rich tapestry of the tomb of Abraham was taken away, and a mat of palm leaves substituted in its place. All the other tombs were destroyed. Seoud then went againt Jidda and Medina, but not with equal success. The resistance of the inhabitants, and the breaking out of the plague among his troops, obliged him to return to Dreyeh.

At the very moment that the Wahabites were triumphing in the possession of Mecca, their generalissimo was assassinated by a dervise, who had escaped from the massacre at Emaun Hussein. Abdelazis, was the first who established the power of the Wahabites on a solid basis, by important victories. He had introduced a certain degree of discipline among tribes jealous of their liberty, and compelled them to an implicit obedience. Brave, strict, patient, indefatigable, bold in his projects, and plain and frugal in his habits as his Arabs, notwithstanding the treasures he had amassed, he left at his death a post difficult to fill; and accordingly his death removed for a time the apprehensions of the Porte. But Seoud proved no unworthy successor of his father. So early as 1803, he sent some troops against Bagdad; but on this attack he set little stress, as its object was solely to ravage the country. A more important design he entertained, was that of rendering himself master of the coasts of the Persian gulf, with which view he built several ships, and gradually found himself possessed of a force sufficient to prohibit its navigation. The allies of the Wahabites seized on all the vessels that traded from India to Bussorah and the ports of Persia, so that a stop was put to all intercourse. The English themselves had several of their vessels taken by the Arabs; and their endeavors to recover them, and punish the pirates, were fruitless. Before the the time of Seoud, the English messengers, in their journey through the Great Desert from Bussorah to Aleppo, had been respected by the Wahabites, agreeably to the promise Abdelazis had given to the British resident. Once indeed it happened, that a messenger was robbed: but the culprit was discovered, and he came to lay the despatches at the feet of Abdelazis. This, however, did not save his life: Abdelazis ordered his head to be cut off, and the despatches stained with his blood, to be sent to the British consul.

Seoud undertook various expeditions against Bussorah and Zeber, but without success. The bashaw of Bagdad then employed considerable forces against the Wahabites; the king of Persia, and the grand seignior, at that time friends, furnishing him with considerable supplies. The Emaun of Mascat was to attack them from the south, while the bashaw did from the north; but fortune fought for the Wahabites. The two chiefs did not act in concert. The Emaun fell into the hands of the pirates, and was slain in battle about the end of 1804. Ali Bashaw set out from Bagdad with seventy thousand men, and a numerous train of artillery; but in traversing the desert the very number was more conducive to defeat than to victory. The want of water was fatal to him: and his army was attacked and beaten piecemeal. Two other bashaws succeeded him without better success, and the vanquished army returned to Bagdad. The sole advantage derived from this expedition was, that sixteen thousand Wahabite families, who had suffered themselves to be surprised, and whom Seoud threatened with exemplary punishment for their negligence, quitted his party, and repaired to Bagdad.

At the close of 1804, the city of Medina, which had long been in want of provisions, submitted to the arms of Seoud, who conducted himself with moderation. The caravan of pilgrims came the following year, and was allowed to enter the city, on paying a heavy contribution. At Mecca it was pillaged still more. A hundred persons were paid for the entrance of the caravan, beside ten piastres for each pilgrim, and as many for his beast: a hundred purses were then paid for leave to ascend mount Arafath, and as much for coming down: and lastly, six hundred purses for crossing a brook, the passage of which the Wahabites purposely obstructed. Seoud afterwards declared, that for the future he would not allow any escort from the grand seignior, the use of musical instruments or the conveyance of the sacred tapestry and ornaments.

At the end of 1805, Seoud became master of Mascat, through the influence of the new Emaum, who had embraced Wahabitism. Thus growing daily more powerful and wealthy, he renounced the plain and frugal life of his father, and exhibited in his palace at Dreyeh, all the luxury of Asia. He appointed his eldest son Abdallah his successor, and sent him on several expeditions; but the new general met with a check at Zeber, which the Wahabites then attacked for the third time. These defeats did not discourage Seoud, who immediately planned and prepared other enterprizes. Such is the character of these Arabs: if defeated, they do not give way to that panic, which commonly completes the overthrow of an army, particularly among their enemies, the Ottomans: they only change their scheme, relinquishing the old, to carry a new one into execution and unexpectedly. Thus Seoud turned his eyes towards Jidda, the only city in Arabia that had uniformly resisted him; a place important for its maritime situation, and for the barter there carried on, of the coffee of Arabia, against the corn of Egypt.

The Porte now resolved to make a fresh effort against the Wahabites. A bashaw was sent to Damascus to assemble an army; another was ordered to march to Jidda; and the bashaw of Bagdad was to assault Seoud on that quarter. The Wahabites seemed to be threatened with approaching ruin: but fortune, still favorable to Seoud, excited the flames of war between the bashaws of Bagdad and Persia; and Ameer Hadgy, the bashaw of Damascus, found nothing but dissension and civil war in Syria, instead of the resources he expected. The taking of Jidda by Seoud, completed the consternation of Damascus. At this time, in 1806, Seoud issued a proclamation; which, while it gave permission to the pilgrims to visit Mecca, prohibited all kind of escort from the grand seignior. The bashaw, however, urged by orders from Constantinople, set out at the head of the caravan, with the usual escort and ornaments. Seoud, indignant at this want of respect to his orders, sent word to him to return, when he had reached the midst of the Great Desert. He ventured, notwithstanding, to continue his journey toward Medina; but when he arrived there, he found the gates

shut, and the Wahabites threatening to cut him and his caravan to pieces. The inhabitants, even the very women, animated with incredible fanaticism, issued out of the city, and pursued the Mussulmen with stones, calling them idolaters. They retreated in the utmost confusion, and the greater part of the pilgrims perished miserably in the desert. It is incomprehensible why Seoud did not at this juncture follow the bashaw to Damascus, and make himself master of the city, panic struck with this disaster. But the Wahabites, content with their dominion over the whole peninsula, and the subjection of all the Arabian tribes, apparently disdained to extend their sway into the neighboring provinces out of the desert, whether on the banks of the Euphrates, or toward Syria. In the latter province every city, a prey to intestine warfare, or assailed by enemies of all kinds from without, expected every instant to see them within its wall. What defence indeed, could they have made against such a powerful army? for at the end of 1897, Seoud had under his command a hundred and eighty thousand fighting men, belonging to the wandering tribes alone. As to his wealth it increased daily, particularly by the prizes his allies made in the Persian Gulf, half of the value of which came into his coffers. These Arabs had assembled a considerable number of dows, carrying each four or five hundred men, and from twelve to sixteen guns.

With all these forces the Wahabites did nothing of importance in 1808, except pillaging the last caravan, and putting a total end to the pilgrimage to Mecca. They likewise made some attempts against Syria and Egypt. Seoud had sent letters to Damascus, Aleppo, and other cities of Syria, threatening them with destruction, if they did not embrace his doctrines. Despair gave to the Ottomans some energy; serious preparations were made on all sides; and the threats of Seoud ended in the occupation of a few fortresses to the south of Damascus. The most striking event of the year, was the march of Seoud himself, at the head of forty-five thousand men, against Bagdad; but he was defeated in several skirmishes, and compelled to retire.

In 1809, Seoud attempted nothing of consequence: but the war between the Wahabites on the coast of the Persian Gulf, and the inhabitants of Mascat assisted by the English, exhibits an event of no small importance. Lieutenant-colonel Smith, in a small squadron of frigates under the command of captain Mainwright, landed at Ras al Kraim, or al Khyma, the principal rendezvous of the pirates, and burned and destroyed the town, with all the vessels in the harbor, amounting to upwards of fifty, more than half of which were very large dows, and a large quantity of naval stores. They then proceeded to the port of Linga, where they burned nine large dows; and afterwards to Luft, which surrendered after some resistance. Here three very large dows were destroyed, beside other vessels. Thus a naval power was annihilated; which had there been no maritime force but that of the natives of Asia to oppose it, would soon have rendered the Wahabites the sovereigns of all the seas in that part of the globe.

It is difficult, perhaps, to conjecture what effects may ultimately be wrought by a power, that has grown up in so rapid and extraordinary a manner. The loss of Arabia, and perhaps of Syria, and the country bordering on the Euphrates, may prove a mortal blow to the Ottoman empire, threatened by so many enemies from without, and divided by the quarrels of so many independent chiefs within. The abolition too, or at least the reform of Mohammedanism in the spot that gave it birth, must have some influence on the condition of christians in those countries; and the relations between the Oriental and Occidental nations, can scarcely fail to experience some change. Neither can the suppression of the pilgrimages to Mecca, a remarkable custom that has prevailed for twelve centuries, and formed a bond of commercial and religious union between the extremities of Asia and Africa, be an event of trifling import in modern history. A reform in the religion of Mohammed, however, was to be expected. All who have resided any time among the Arabs, must have remarked their proneness to dispense with religious ceremonies. This fact was particularly evident in Egypt: in an Arabian camp none of the religious practices observed by the inhabitants of cities were to be seen, the people excusing themselves by the want of temples, and their wandering life.

Domestic Manufactures.

The name of *Cobbett* has infamous celebrity in all parts of the United States. Pensioned and paid by the *British* administration, he printed and published a celebrated news-paper in Philadelphia entitled *Porcupine's Gazette*, to which he labored much, and but too successfully, in bringing about the views of "*his king*" in regard to these states; for he was patronized and encouraged by thousands of the *American* people, though he honestly avowed himself a "true Englishman." However strange it may appear, I myself have seen *members of congress* and a *reverend divine* familiarly associating with this man, during his residence in Philadelphia, at that time the seat of the government of the union, though his manners were gross, his language horrid, and his conduct bestial. Driven "home," at last, by the power of sentiment, on the 30th of April, 1800, he published a long address to the people of *England*, setting forth the things he had done for their benefit in *America*. As a *curiosity* this address may be insersed in the REGISTER at a future convenient period; it, probably, contains many falsehoods, but some things stated I am satisfied, from personal observation, are true; and others may be supported by collateral testimony. The following paragraph abounds with matters of fact of the latter description; for the propositions laid down by the writer are demonstrated by the whole chain of events, to the view of every attentive observer of the progress of things in this country. For some time after his return, *Cobbett* was a shield to the ministerial party, and Mr. *Windham* declared in Parliament that "HE DESERVED A STATUTE OF GOLD FOR HIS SERVICES IN AMERICA." Whether they ceased to pay him as well as they had done, or, with the rise of his fortune, a native independence returned, we cannot say—but he now is, and for several years has been as conspicuous for his enmity to the old herd of politicians whose whipper-in he was, as he was celebrated for the support he gave them in all their designs to fetter the *American* people, and make their independence a nullity.

Extract from Cobbett's address to the people of England, Aug. 30, 1800, immediately on his return from America.

"It was supposed that the legislatures would make laws favorable to their interest, [those who devoted their attention to MANUFACTURES] in order to raise America from a *nominal* to a *real* independence; and, the state legislatures seemed, at that time to second their views. *This was an enterprize the most serious that could arise to the interests of England*, and *various* were the *schemes* attempted *by our agents to strangle the infant Hercules in the cradle.* It has been

accomplished equal to *our* most *sanguine* wishes.—In the other speculations thousands were ruined but thousands also made immense fortunes: But fortunately for Great Britain in the *manufacturing* projects, there was a *general* wreck: *not an individual* was *saved:* and such *is now, happily, the dislike to those undertakings*, that this generation must pass away before any *attempts* will be made to revive them.

Previous to the revolution *America could not manufacture a hob-nail for her own use;* this *prohibition* was the effect of *a British act of Parliament;* and the *folly* of American projectors has prolonged that prohibition, which *the omnipotence* of our parliament *attempted in vain.* Such is the *almighty power* of *silent, ever-wakeful British influence.* After America had spilt the blood of her bravest men in a contest for seven years to obtain *independence*, it was rendered *a mere bubble* by *the intriguing genius of Englishmen*, and *their friends*, dispersed through the states. The *tories have not talents for the field, but in the cabinet their powers are wonderful.* The *overthrow* of these manufacturing establishments must be considered as a *chef d'œuvre;* whether we regard *the means* by which it was accomplished, or *the grand end* that was *steadily* kept in view; (viz.) *to keep fast hold of the skirts of the garments of Columbia, and let her on no account go.* As to the *means* of *destruction*, it was *various* as the *character* of the owners, the *situation*, or *nature* of the establishments. ☞ SOMETIMES BY FIRE; but *most generally* by *inundating the markets* with goods of the *same* manufacture from *this* country, and *selling them far below the prime cost*, in order *to drive American manufactures out of their own market.* Another method was, *to recommend English artists of no talents to their notice*, as men of the *first rate* abilities. But what favored us more than any thing else was, that war broke out about this time betwixt France and England. The manufactories of France were cut up. Those demagogues who had seized the reins of government in that country, totally ignorant of the mode of warfare that ought to have pursued against us, suffered their own manufactories to dwindle, whilst ours gained strength by their downfall. It was completely in their power at one time to have crippled our cotton manufacture, by harrassing the transporting of cotton wool; and guarding with vigilance those places from whence we have the best supply: by this means the Brazil and Surinam cotton, without which we cannot make our finest muslins, might have been raised so high in the foreign market as to prevent their consumption: or, even at times, by a scarcity, throw half the Scots and Manchester manufactories idle for want of wool. But what did these French demagogues do? by setting the blacks at liberty in the West Indies, the war whoop was raised, which drove to the Atlantic shores 20,000 Frenchmen, and silver in specie to the amount of 40 millions of dollars; a sum which at least doubled the specie in the United States; the consequence of which was, that the price of manual labor, and every article of consumption was doubled. Thus, a state of things was introduced, which made it impossible for the infant manufactories of America to contend with the old established ones of England."

But the unjust and perverse conduct of the belligerent nations, and of Great Britain especially, simultaneously aided by the unfortunate disturbances in Spain, has put us at rest on the score of manufactures —the *Hercules* that Britain would have strangled in the cradle (to use the emphatic words that Cobbett applies to the occasion) with all the vigor of youth, has surmounted the difficulties laid in the way, and is rising to manhood and maturity, as *fast as we desire;* for the work must and should be gradual.—We have made such progress in the business of manufacturing, that the fabrication of various goods, to the value of many millions of dollars *per annum* (which we hitherto imported from England) may be considered as *established*, both of cotton and wool, with many articles of hardware, and a string of *et ceteras* "too tedious to mention"———Every day brings us accounts of some new manufactory; and were a free intercourse opened with England, this moment, her merchants (after the flush demand was satisfied) would find their orders reduced *one third*, instead of being increased, as from our rise of wealth and population might have been expected.

The existing wars will foster and encourage our manufacturing establishments; and the great interest involved will insure the protection of government. The capital invested, and investing, in manufacturing establishments, in sheep, and other things incident to the fabrication of goods for our own use, will present a *bold front* to those who shall attempt to "*inundate the market.*" The number of our establishments with the great vigilance of their owners, forbid a hope of exterminating them by FIRE, and we are so well acquainted with the theory and practice, of all the essentials for these manufactures, in general, that we entertain no fear of having "English artists of no talents imposed upon us as men of the first rate abilities."

Always desirous of obtaining information on a subject so important, as well for the gratification of my own mind, as for the satisfaction of others, I embraced such an opportunity a few days ago, by putting the following proposition to an old importer of British goods, a gentleman of acknowledged intelligence, now actively engaged in making and selling various kinds of cotton goods. "*Are you of opinion that your manufactory will sustain itself on a peace establishment, admitting that congress shall afford no other protection than the usual duties?*" To which he replied—"I will answer you in a *wholesale* way. I have ascertained that I can manufacture certain goods, always in demand, to the value of 60,000$ *per annum*, for a less sum than 12,000$ paid for the *labor* bestowed upon them. I can therefore come into the market as cheap as the British can do, admitting they obtain the cotton at the same rate that I purchase it; for the *mere duties* of export and import will cover my *whole cost* for labor." There is no estimate for the many charges of freight to and from England, the *profits* of the various persons engaged in exporting the cotton, in manufacturing it into goods, or in bringing them hither, &c. &c. amounting in the whole to a very considerable sum, *sufficient*, at least, for the profits of the *American* manufacturer, selling his own goods on the spot.

We were led to these brief remarks by observing the following article in a New-York paper. Wire was exceedingly wanted in the United States; but we notice several establishments for manufacturing it; and they will increase in proportion to the demand. The machinery alluded to, is, perhaps the most ingenious of any yet put in motion.——It makes cards of any size,—pricking the holes in the leather, and cutting and bending the wire, *and setting it*, with astonishing accuracy and expedition.

WIRE FACTORY.—On Wednesday the 19th instant, the corner stone of the card and wire factory, to be erected for the New-York manufacturing company, was laid in the presence of the president and directors of the institution, his excellency Daniel D. Tompkins, the hon. De Witt Clinton, the corporation of the city, and a number of distinguished citizens, who were invited to witness the ceremony.——The Rev. S. N. Rowan made an appropriate prayer.——The majority then retired to the Mansion house on

the banks of the North River, and partook of an elegant collation.

The building to be erected will be 200 feet in length, by 25 in breadth, and by the first of November next, will be prepared for the reception of the immensely valuable and wonderful machinery for manufacturing cotton and wool cards, lately purchased by the New-York manufacturing company of Amos and William Whittemore, of Boston.

Importation of Flaxseed.

The following table, shewing the importation of FLAXSEED, into Ireland for the year 1811, is politically as well as commercially interesting. We extract it from an authentic statement, in which the *barrels* and *bags* imported were reduced to hogsheads, to shew the whole in one denomination. The period embraced is from January 5, to July 5, 1811, the time in which this article is generally received for the year.

PORTS.	AMERICA.	RUSSIA.	BRITISH.	TOTAL.
Belfast . .	4,620	——	876	5,498
Cork . . .	3,703	——	——	3,703
Dublin . .	4,624	——	906	5,530
Drogheda .	78	——	——	78
Dundalk .	28	——	——	28
Galway . .	1,400	——	——	1,400
Limerick .	2,275	——	——	2,275
Londonderry	7,228	1,335	456	9,019
Newport .	1,472	——	——	1,482
Newry . .	9,107	37	136	9,270
Sligo . .	2,311	——	——	2,311
Waterford .	——	——	59	59
	36,848	1,372	2,433	40,653

The above are the returns of the seed branded sound, by the proper officers—the gross amount imported was 41,175 hhds.

Additional Instructions

To the public and private armed vessels of the United States.

The public and private armed vessels of the United States are not to interrupt any vessels belonging to citizens of the U. States coming from British ports to the United States laden with British merchandize, in consequence of the alleged repeal of the British orders in council, but are, on the contrary, to give aid and assistance to the same, in order that such vessels and cargoes may be dealt with on their arrival as may be decided by the competent authorities.

[*Nat. Intel.*

A COPY OF THE CIRCULAR

Addressed to the collectors of the customs.

(CIRCULAR.)

TREASURY DEPARTMENT, *August* 20, 1812.

SIR—The non-importation act being still in force, must, in every respect, be carried into effect. It is your duty to seize and libel British merchandize, in whatever manner and by whomsoever it may be brought or sent into the United States; with the exception only of property *captured from the enemy*, the importation of which is permitted by the fourteenth section of the act concerning letters of marque, prizes and prize goods.

In the cases which, from the peculiar circumstances, may be entitled to relief this can be granted only by a special act of congress; or upon application for a remission of the forfeiture in the manner prescribed by law.

I have the honor to be, respectfully, sir, your obedient servant,

ALBERT GALLATIN.

The collector of the customs.

American Prizes.

In this list, which will be regularly and methodically continued, it is proposed to notice only *enemies'* vessels safely arrived in port, or otherwise *conclusively* accounted for. Re-captures, of which there are many on both sides, will not be counted.

In the following list there *may be* three or four duplicates, though we know of none such. But there are certainly many omissions, as there must needs be, in a collection of this kind, made from two or three files of newspapers, and not from a reference to the publications generally in the several ports, on which our future additions will be founded.—Considerable difficulty has also been thrown in the way of a perfect list, by the reluctance with which some printers notice the capture of enemies' vessels:

1. Ship Concord, burthen 300 tons, carrying 4 guns from St. Andrews for England, laden with timber, sent into Salem, by the Fame, of that port.

2. Brig Elbe, of 200 tons, from ditto for ditto, sent into ditto by ditto.

3. Brig Ulysses, from the West-Indies for Halifax, sent into Norfolk by the Paul Jones of New-York.

4. Ship ——, from St. Andrews for London, laden with rice, flour, &c. sent into Salem by the Madison of that port.

5. Brig Hermon, with rice, flour and naval stores, sent into ditto by the Dolphin, of ditto.

6, 7. A brig and schooner, with timber, tar &c. sent into ditto by ditto.

8. Ship ———, of 14 guns, sent into Gloucester by the Madison, of Salem, carried by boarding.

9, 10, 11, 12, 13, 14. Six ships and brigs, among them ships Emperor and Experiment, captured by the gun-boats at St. Mary's.

15. Schooner Wade, from New-Providence for Amelia island, with 20,000 dollars in specie, captured by the revenue cutter.

16. Government transport No. 50, from Halifax for St. Johns, laden with military stores, carrying 2 guns and 12 men (who would not fight) sent into Salem by the Madison of that port—vessel and cargo worth 60,000$.

17. Brig Eliza, of 6 guns, after a smart engagement, sent in by the Madison as above, carrying only one gun.

18, 19, 20. Three Nova-Scotia shallops, laden with English and West India goods, sent into Marblehead by the Lion privateer of that port. These vessels had on board several thousand dollars in specie.

21. Brig ——, from Liverpool for St. Johns, carrying 6 guns—sent into Marblehead without resistance, by the Lion and Snow-bird, of that port.

22. Sloop Endeavor, from Bermuda for Newfoundland, laden with sugar—sent into Salem, by the Polly, of that port.

23. Brig ———, from St. Andrews for England, with flour, timber, &c. sent into Salem by the Madison, of that port.

24. Ship ———, of 300 tons, laden with naval stores, sent into Cape-Ann, by the Madison, of Salem.

25. Brig ———, of 300 tons, from Portsmouth, E. laden with gun-powder, dry goods, and military

stores, bound to St. Johns—sent into Cape Ann, by the Madison.

26, 27, 28. Three schooners, laden with naval stores and provisions—sent into Salem by the Jefferson, of do.

29. Brig Wabisch, laden with timber, &c. sent into Salem by the Dolphin, of do.

30. Schooner Ann, sent into Charleston, by the Nonpareil, of do.

31. Schooner Pindar, from New-Providence for Amelia, by the gun-boats at St. Mary's, with 12,000 dollars in specie.

32. Ship Jarrett, with 2 guns and 18 men, in ballast, from Bristol, E. for St. Andrews—sent into Salem by the Fair Trader of that port, carrying 1 gun and 15 men. The Englishmen refused to fight, and 4 of them entered on board the privateer.

33, 34, 35. Three schooners laden with pork, wine, furs, cordage, &c. sent into ditto by ditto.

36. Schooner ———, captured by the Dolphin, of Salem, and released, after taking from on board of her, 1000$ in specie, and a quantity of Beaver skins.

37. Schooner Ann Kelly, of Halifax, with an assorted cargo, sent into Salem by the same.

38, 39, 40, 41. Four schooners, laden with naval stores, corn, &c. sent into Salem by the Dolphin and Jefferson, of ditto.

42. Brig ———, from St. Andrews for England—sent into Salem by the Dolphin, of do.

43. Schooner ———, sent into Marblehead by the Lion, of that port—laden with lumber and naval stores.

44. Schooner ———, laden with sugar and indigo—sent into Portland by the Argus, of Boston.

45. Sloop ———, with 25 hhds. of sugar—sent into Salem by the Polly, of do.

46. Schooner Fanny, from St. Croix, for St. Andrews, in ballast—sent into Baltimore by the Dolphin of do. valued at 18,000$.

48, 49. Two schooners, sent into Salem by the Buckskin, of do.

50. Brig Lamprey, from Jamaica for Halifax, laden with rum—sent into Baltimore by the U. States' frigate Essex.

51. Brig ———, a transport, with 197 soldiers—captured by do. and ransomed for a bill on London for 14,000$—the vessel and troops were disarmed and released, on an exchange receipt, and their oath not to serve until its provisions were complied with.

52. Schr. Mary-Ann, from Halifax for Quebec with military stores, on board of which col. Pearson, a British officer, was passenger, sent into Salem by the Buckskin of do.

53. Ship Mary from Bristol, E. for St. Johns, carrying 14 heavy guns, a valuable vessel having on board a considerable quantity of arms and ammunition, sent into Salem by the Dolphin of do.

54. Schr. ——, laden with provisions, sent into Wiscasset, by the Fair Trader of Salem.

55. Schr. Diligent, with 55 pipes of brandy, sent into Salem by the Polly of that port.

56, 57. Two schooners with cargoes of provisions, pork, corn, &c. sent into Salem by the Snow Bird of ditto.

58. Snow ———, mounting 6 heavy guns with a quantity of small arms and ammunition, from London for Amelia island, sent into Savannah by the revenue cutter James Madison.

59. Schr Jane, from the West Indies for Halifax, sent into Marblehead by the Dolphin of Salem.

60. Ship Ann Green, of 430 tons, carrying eight 12 pounders and two long 6's, an excellent vessel, from Jamaica for Greenock, with a cargo of rum, &c. valued at $50,000, sent into Boston by the Gossamer of that port.

61. Barque St Andrews, carrying 8 guns, sent into Portland by the Rapid of Boston.

62. Brig Shamrock of 300 tons, 6 guns and 16 men, sent into Savannah by the revenue cutter Madison.

63. Schr. Sally, captured by the Teazer of New-York, and given up for the purpose of disposing of her prisoners;—several of the crews of the prizes entered, having sworn to defend the American flag.

64. Schr. Nelson, laden with oil, furs, fish, &c. sent into Salem by the Buckskin of that port.

65. Schr. ———, sent into Machias by the Fame of Salem.

66. Schr. Three Brothers, sent into Boston, by the Wiley Reynard of do.

67. Barque ———, sent into Portland by the Catherine of Boston.

68. Brig ———, in ballast, captured by the Polly of Salem, ransomed, after taking out a few bales of dry goods.

69. Ship Henry, from St. Croix for London, a vessel of the first class, new, coppered and completely furnished,; burthen 400 tons, 10 heavy guns, laden with about 700 hhds sugar, 13 pipes old wine, &c. valued at from 150 to $170,000, sent into Baltimore, by the Comet of that port.

70. Schr. Alfred, from Bermuda for New-Providence, with an assorted cargo, sent into Baltimore by the Spencer of Philadelphia.

71. Schr. Eliza, of Halifax from Jamaica, sent into Salem by the Polly of that port.

72. Brig Lady Sherbrook, 250 tons burthen, armed with 4 six pounders, laden with lumber and fish, sent into New-York by the Marengo of that port.

73. Brig Elizabeth & Esther, from St. John's for Bermuda, with a cargo of fish, pork and some dry goods, sent into Philadelphia, by the Gov. M'Kean of do.

74. Ship Boyd, from New-Providence for Liverpool, carrying 10 heavy guns, laden with cotton, logwood and coffee, sent into Philadelphia by the Globe, of Baltimore, after a running fight of an hour and a half—none killed on either side.

75. Brig Ranger, from Cape Henry for London, carrying 6 guns, laden with coffee and logwood, captured by the Matilda of Philadelphia, and sent into that port, after a short engagement, in which the British captain was mortally wounded.

76. Schr. Polly, sent into Boston by the Wiley Reynard of do.

77, 78, 79. A ship and two brigs sent into Wiscasset.

80. Sloop Mary-Ann, laden with 3000 bushels of salt, sent into Philadelphia, by the Paul Jones of New-York.

81. Ship Hassan, from London for Havana, carrying 14 guns and 20 men, laden with wines, dry goods, &c. worth $200,000, captured, after half an hour's combat, with the loss of her captain killed and a boy wounded, by the Paul Jones, then of 3 guns. The guns of the Hassan were transferred to the privateer, and the vessel ordered for Savannah.

82. Brig Harmony, from Greenock for Quebec, a fine vessel, 250 tons burthen, carrying 4 heavy guns, laden with a cargo of dry goods, &c. sent into New-York by the Yankee of Bristol, R. I.

83. Brig ———, captured by the Yankee and given up for the purpose of disposing of her prisoners.

84. Ship Braganza, from Port au Prince for London, mounting 12 guns, burthen 400 tons, deeply laden with coffee and logwood, captured and sent into Baltimore by the Tom of that port, after a running fight of 55 minutes.

85. Brig Peter Waldo, from New-Castle, E. for Halifax with a full cargo of British manufactures, clearing for the captors $100,000, sent into Portland, by the Teazer of New-York.

86. Schr-Ann, from the city of St. Domingo for Guernsey, carrying 4 guns, and laden with logwood and mahogany, sent into Baltimore by the Globe of ditto.

87. Ship Prince Adolphus, from Martinico for Falmouth, E. mounting 8 guns, with 36 men, among whom where the governor, collector and post-master of Demarara, sent into Philadelphia by the Governor M'Kean of that port.

88. Ship ———, from London for Halifax, laden with dry goods, glass crates and ironmongery, worth $150,000 sent into Portland by the Teazer of New-York.

89. Schooner Harriet, from New-Providence for Havanna, with 8000 dollars in specie, sent into Baltimore, by the High Flyer of that port.

90. Brig Ceres, a valuable vessel, sent into Salem, by the John of that port

91. Brig ———, laden with timber, taken by a Salem privateer, recaptured by the English, and taken and sent into Gloucester by a Lynn privateer.

92. Brig William, from Bristol (Eng.) for St. John's, with a cargo of coal, butter, and sundries, sent into Boston by the Rossie, com. *Barney*, of Baltimore.

93, 94, 95, 96, 97, 98, 99. One ship, five brigs and a schooner, all laden with fish and timber, captured by the Rossie and burnt.

100, 101. One brig and a schooner, captured by the Rossie, and sent to Newfoundland, with the crews of the above vessels, 108 in number, on parole and receipt for exchange. Commodore Barney sent also his compliments to admiral Sawyer, desiring the poor fellows might be fairly treated and promising a larger supply very soon!

102. Schooner Industry, from Newfoundland for St. John's, sent into New-York by the Benjamin Franklin of that port.

103. Schooner Perseverance, from St. Augustine for Nassau, in ballast, sent into Charleston by the Nonsuch of Baltimore.

104. Ship Sir Simon Clark, 16 guns, 39 men, from Jamaica, for Leith, with a cargo of sugar, rum, coffee, &c. worth from 100 to $150,000, sent into Norfolk by the Globe of Baltimore. She was gallantly carried by boarding after a brisk cannonade of a few minutes. The British ship had four men killed, with the captain and three others severely wounded. The second lieutenant and the drummer were killed on board the Globe, and one wounded.

105. Brig Honduras Packet, 2 guns and 12 men, with a valuable cargo of rum and dry goods, from Jamaica for the city of St. Domingo, sent into Charleston by the Mary-Ann of that port.

106. Brig Amelia, 10 guns and 17 men, from Malta for Havanna with a valuable cargo of wine, castile soap, oil, &c. &c. sent into Charleston by the Mary-Ann of that port. The Mary-Ann carries but one gun and 50 men.

107. Schooner Mary, from Gonaives for Jamaica, laden with cotton, captured by the Mary-Ann and burnt.

108. Schooner ——— (armed) after a smart brush, taken by the Mary-Ann and released to discharge her prisoners.

109. Schooner Union, from Jamaica for Quebec, with 146 puncheons of rum; vessel and cargo worth $30,000, sent into Salem by the John of that port.

110. Brig Elizabeth, from Gibraltar for Quebec, ballast, burthen 300 tons, 4 guns and 12 men, sent into Salem by the John as above.

111, 112, 113. Three brigs laden with lumber, taken by the John and released.

114, 115. A schooner and a sloop, from St. John's for Halifax, laden with lumber, sent into Gloucester by the Orlando of that port.

116. Brig General Blake, (under Spanish colors) said to have British papers—sent into Charleston by the revenue cutter Gallatin.

117. Brig ———, from Jamaica for Halifax—sent into Charleston by the Bunker-Hill, of New-York.

118. Brig James, sent into Falmouth by the Bunker-Hill, as above.

119. Ship Apollo, 8 guns, burthen 400 tons—sent into Salem, by the John, of Salem.

120. Ship Royal Bounty, 10 guns, burthen 700 tons—captured by the Yankee, of Bristol, R. I. after a smart action of 20 minutes, in which the captain, the two mates and two seamen of the Royal Bounty were wounded, and a boy killed; two men were wounded on board the Yankee. The vessel being old was destroyed.

121. Brig Mary, from Scotland for Newfoundland—captured by the Yankee, and released, to dispose of her prisoners, 47 in number.

122. Schooner Venus, with 119 puncheons of rum, a quantity of sugar, fruits, &c. sent into Portland by the Teazer of New-York.

123. Ship Osborne, 10 guns, 18 pounders, 26 men, from Gibralter for St. Andrews, in ballast—burthen 500 tons—sent into ditto by ditto, after a long fight in which no person on either side was injured. It is said the governor of Nova-Scotia has offered 30,000$ for the Teazer. This privateer carried only two guns, and, at the time she captured the Osborne, had not 30 men.

124. Brig Eliza, from Jamaica for Halifax, laden with rum and sugar, sent into New-York, by the Marengo of that port.

125. Brig Richard, 300 tons, laden with timber—sent into Marblehead by the Industry, of Lynn.

126. Brig Nancy, with a full cargo of provisions—sent into Salem by the Fair Trader, of that port.

127. Brig ———, from Quebec for WestIndies, laden with flour—sent into New York by the Bunker-Hill, of do.

128. Schooner ———, sent into Providence, (Me.) by the Leander, of Providence, (R. I.) This is the little privateer which certain persons at that place sunk, to prevent *such disasters*.

129. Brig Leonidas, of 14 guns, a first rate vessel, from Jamaica for Belfast, laden with about 230 hhds, sugar, 75 puncheons rum, coffee, pimento, &c. sent into Savannah by the Mars, of Norfolk. The brig was carried by boarding, after a short resistance, in which she had one man wounded.

130. Schooner Sky-Lark, from Quebec for Martinique, laden with provisions, sent into New-York by the Bunker-Hill, of that port.

131. Brig Lady-Prevost, from Halifax for Jamaica, sent into New-York by the Marengo, of do.

132. Brig Friends, sent into Boston, by the Benjamin Franklin of New-York.

133. Brig Mary, from Pictou, for England—sent into ditto by ditto.

134. Ship Jenny, 12 guns and 18 men, from Liverpool for St. Johns, with salt—sent into Salem by the Rossie of Baltimore.

135. Ship John of Lancaster, 16 guns and 30 men, from London for Martinique—sent into Philadelphia by the United States' squadron under commodore Rodgers.

136. Schooner ———, of 170 tons, from Point-Petre for Halifax, a very valuable and fast-sailing vessel, laden with sugar and rum—sent into Portland by the Teazer, of New-York.

Events of the War.

MILITARY.

Callender Irvine, esq. of Philadelphia, is appointed commissary-general of the United States, in the place of Samuel Carswell, esq. resigned.

Captain ROBERT KENT, of the 14th U. S. regiment, has marched from the encampment near Baltimore, with about 80 men, to the northward.

The 11th regiment of New-York artillery have volunteered their services to the governor of the state.

Captain HARTELL's company of New-York light infantry, have volunteered their services to the president of the United States.

We have this week to announce a signal calamity—General *Hull*, with the whole North Western army, consisting of 2500 men, with 25 pieces of cannon, has surrendered to the British and Indians, commanded by major general Brock, *without a battle*—without any apparent effort to maintain the honor of his country.

As yet this lamentable transaction is involved in mystery. Our army appears to have been well supplied with all sorts of stores—to have had an abundance of provisions with every m unition of war, and the British force, (without taking into view the advantages that might have been expected from the strong fortifications at *Detroit,)* seems inferior in point of numbers, to the troops under *Hull.* We are lost in astonishment in reflecting on this disaster; how it has been brought about is yet incomprehensible; a strange misfortune, mighty error, or horrid treachery has befallen us; but, as we are uninformed of particulars, it is right to suspend our opinion until the facts shall appear, all of which shall be carefully recorded.

The Western papers, and private letters from that quarter, abound with the severest animadversions on general *Hull*—charging him with incompetency, or insinuating something worse. This is also surprising, for few men ever entered upon a command with greater popularity than that gentleman.

It appears that colonel M'Arthur refused to accede to the articles of capitulation—Gen. Hull is said to be on board the Queen Charlotte, near Niagara, and a number of officers have arrived at gen. Van Rensellear's head quarters, on parole. The surrender does not appear to have cost the British one drop of blood.

CHILICOTHE, *August* 25.

By the politeness of captain Brush, who is just arrived from the river Raisin, we have been favored with the following important intelligence, which we hasten to lay before our readers:

DETROIT, 14*th August*, 1812.

SIR—The state of the communication between this and the river Raisin, is such that a sufficient detachment cannot be sent at present to bring on the provisions with safety. You will therefore remain at the river Raisin, and in conjunction with the regiment Le Croix's corps and your own, protect the provisions and yourselves until further orders. The detachment sent for the purpose of opening the communication are so fatigued after a severe and victorious battle that it will return here.

I am respectfully,

W. HULL,
General commanding.

Captain Bush, or the commanding officer at the river Raisin.

P. S. If conferring with colonel Anderson and captain Jobart, the bearer of this, and from all the information you can obtain, it should be the opinion, you can come an upper road crossing the river Huron, at Godfrey's trading establishment, you are authorised to proceed that route, in which case you will give me an immediate notice. No person must know this excepting col. Anderson capt. Jobart and yourself. Take captain Jobart for a guide, and if he recommends other guides, with him, they shall be paid. Captain Le Croix, with his company will proceed on with you.———Respectfully, W. HULL.

Captain Brush.

DETROIT, *August* 12, 1812.

Captain H. Brush,

DEAR SIR,—I have several times written to you since I heard you was on your march, but I find that my letters have never reached you. Two detachments have been sent to meet you, but both returned with loss.—We have abandoned Canada, and the British force is now opposite this place pointing their artillery—the firing will commence shortly. I fear you will not be able to see us. If possible take care of yourself and party—the enemy may not have force to see you and attend to us.

The bearer will or can give you a hint of our situation.—Adieu, I have not time to write.

Respectfully yours,
DUNCAN M'ARTHUR.

RIVER RUSH, *August* 16th, 1812.

Captain Henry Brush,

SIR,—By the within letter you will see that the army under general Hull, has been surrendered—by the articles you will see that provision has been made for the detachment under your command; you will, therefore, I hope, return to Ohio with us.

DUNCAN M'ARTHUR.

HEAD QUARTERS, AT DETROIT.
August 16*th*, 1812.

SIR,—I have signed articles of capitulation for the surrender of this garrison in which you and your detachment are prisoners of war.—Such part of the Ohio militia as have not joined the army, will be permitted to return to their homes, on condition that they will not serve during the war—their arms, however, will be delivered up if belonging to the public.

I am very respectfully,
Your most obedient servant,
W, HULL *Brig. Gen.*
Commanding the N. W. army.

Col. Duncan M'Arthur,

Head-Quarters, Detroit, Aug. 16, 1812.

GENERAL ORDERS.

It is with pain and anxiety that brigadier general Hull announces to the north-western army, that he has been compelled from a sense of duty to agree to the following articles of capitulation.

Art. I. Fort Detroit, with all the troops, regulars as well as militia, will be immediately surrendered to the British forces, under the command of major-general Brock, and will be considered as prisoners of war; with the exception of such of the militia of the Michigan territory who have not joined the army.

II. All public stores, arms and all public documents, including every thing else of a public nature, will be immediately given up.

III. His excellency brigadier-general Hull having expressed a desire that a detachment from the state of Ohio, on its way to join his army, as well as one sent from Fort Detroit, under the command of colo-

nel M'Arthur, shall be included in the above capitulation, it is accordingly agreed to; it is however to be understood that such part of the Ohio militia as have not joined the army, will be permitted to return to their homes, on condition that they will not serve during the war. Their arms, however, will be delivered up, if belonging to the public.

V. The garrison will march out at the hour of twelve o'clock this day, and the British forces will take immediate possession of the fort.

(Signed) J. MACDONALD, *Lt. Col. Militia*, P. A. D. C.
J. B. GLEGG, *Major* A. D. C.
JAMES MILLER, *Lt. Col. 5th U. S. infantry.*
E. BRUSH, *Col. 1st regt. Michigan militia.*

Approved,
W. HULL, *Brigadier-General, Commanding the N. W. army.*
Approved,
ISAAC BROCK, *Major-General.*

The army, at 12 o'clock this day, will march out of the east gate, where they will stack their arms, and then be subject to the articles of capitulation.

WM. HULL, *Brigadier-general, Commanding the N. W. army.*

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"CHILICOTHE, August 22, 1812.

"In haste I send you the following copy of a letter this moment received by major David Kinkead, from Joseph Foos, brigadier-general 4th brigade, 2d division. You will recollect that HULL *evacuated* Canada on the night of the 7th." (*Aurora.*

"*Madison county, head of Deer Creek, August* 21, 1812.

SIR—In haste I drop a line by the governor's express, he carries the melancholy news of the surrender of Detroit, with the whole territory of Michigan, by general Hull, to the British government, *without a struggle.* Our brave countrymen are now prisoners of war. If the whole requisition late called for, in the three first brigades, in the 2d division, have not yet marched, you will use every exertion by starting expresses to ride night and day, to get them started. You will then direct them to proceed to Urbanna, by forced marches. The public stores on the frontiers, and at the treaty, are to be protected.

JOSEPH FOOS.
Brigadier-general, 4th brigade, 2d division.

Extract of a letter from Fort Wayne, dated August 19.

"I have the mortification to announce to you the destruction of captain Heald and his company, on their retreat from fort Dearborn* to this place. It happened on the morning of the 15th inst. by an army of Indians, of about five or six hundred, consisting of the following tribes, viz. *Ottaways, Chippeways, Winnebagoes, Kickapoos, Momoninies*, and some *Pattawatamies.* Captain Wells, who went to assist captain Heald on his retreat, is among the number of killed. We cannot learn that any escaped. But it is stated, that captain Heald, Mr. Kinzi, and some women, are made prisoners. The particulars of the action I omit till another express."

The detachment of 2000 Pennsylvania militia are to muster at Meadville, on the 25th September, thence to march to Buffaloe (New York), the general orders have been sent by expresses to the several brigade inspectors. The adjutant-general, Reed, proceeds to Meadville to organize the detachments, deliver commissions, &c &c. The draft is made from the 7th, 9th, 11th, 12th, 14th, 15th, and 16th divisions, all on the other side of the Alleghany mountains. *Demo. Press.*

British account of the capture of Detroit and general Hull's army, by capitulation, on the 16*th of August,* 1812.

From the Bee, printed at Niagara, Aug. 22.

The pleasing task has now fallen to our lot, in confirmation of the uniform predictions of the Bee, to announce to the public the important intelligence of the capture of Detroit, with general Hull and all his army, on the 16*th instant, together with the Adams vessel of war, and other naval force. The following is the substance of an official communication, addressed to colonel Meyers, upon the subject—the dispatches having been forwarded to his excellency sir George Prevost, by way of York.*

On the night of the 15*th instant, general Brock arrived at Amhersburg, with a reinforcement of* 400 *men, including militia and regulars, and immediately proceeded to make arrangements for advancing to Sandwich, which the enemy had evacuated a few days before. On the evening of the* 15*th a fire was opened from our batteries and continued for an hour with great effect, and recommenced before day on the morning of the* 16*th, from three mortars, one* 18 *pounder and two* 12 *pounders, at which time our troops crossed the river under cover of the Queen Charlotte and Hunter brig, at a point called Spring Well's about three miles below Detroit, preceded by a body of* 600 *Indians who were landed a mile lower down and marched through some thick woods with the intention of covering the left flank. The landing was effected in good order, without any opposition, the general being among the first boats.*

Our army consisting of 700 *men advanced in column and took up a good position in line about a mile and a half in front of Detroit—every preparation was instantly made for the assult of the fort at one of the salient angles, which would have taken place in a few minutes, had not a white flag been perceived coming from the garrison, the bearer bringing proposals from* the exterminating general Hull, *offering to surrender upon conditions which were soon dictated in general Hull's tent by captain Glegg, and colonel M'Donell, A. D. C. to general Brock. A detachment of general Hull's army, under the command of colonel M'Arthur, who were on their return to the fort, were included in the capitulation. The fruits of this atchievement have been the capture of* 2500 *regulars and militia and twenty-five pieces of ordnance and other valuable stores, artillery, &c. without the loss of one drop of British blood. The Adams and other vessels will be immediately employed in sending down the prisoners to Fort Erie.*

General Brock was to embark on the 17*th in the evening, and general Hull and the colors of the* 4*th United States regiment accompany him. The firing from our batteries took effect the moment our guns opened, and one* 12 *pound shot killed four officers and one private at the same minute. The commander of Michilimakinac was among the number, although sent to general Hull on parole from our side* not to serve during the war.

—

The defeat of General HULL has aroused the people of Baltimore. A very considerable number of persons have associated for the purpose of offering their services to the president, under the act of congress, authorising the acceptance of volunteers; and their object is *Canada.* In our next paper we expect to make an honorable record of their proceedings—some are sanguine enough to believe that Baltimore city and county will furnish a *regiment* of as brave and hardy volunteers as have ever trod the field. Large subscriptions are made, and are making, to provide for the comfort of these gallant fellows while from home, and to subsist the families of such as require it. But the volunteers are chiefly single men.

On the spur of the moment, 1800 *Kentucky* volunteers, with 200 regulars assembled at Newport, as ordered by governor Scott—and have marched!—May they return covered with glory!—This promptitude deserves success.

Our southern coast appears to be in a respectable state of defence. The militia with alacrity obeying

* Or Chicago on lake Michigan.

the call of their country. The regulars enlisted in South Carolina, have been drawn from the interior.

Nothing very interesting has occurred on the New-York frontier since our last, the *proposed* armistice appearing to have had a real effect in that quarter.—A few incidents like that recorded under the Waterford head have occurred.

The 6th and 15th regiments of U. States' troops have marched from Albany for the frontiers.

The *Abbe Raynal*, has accused us of a total want of genius. In hundreds of instances this has been proved to be false. Had he been present this day at the navy yard, where an experiment was made on a piece of cannon of a new construction, he would have come forward and apologised for his error. The improvement is simple; prudence forbids an explanation; suffice it to say, that in this improved cannon, no accident can happen in spunging or loading; and it may be charged and fired eight times in the same period that the common cannon can be loaded and fired six. Some other very essential advantages attend it. Being the first of the construction ever cast, it was tried first with a quarter charge—second, a half charge with ball—third, a full charge—fourth, a proof charge—and last a full charge with ball; and all succeeded to the entire satisfaction of those present, among whom were many officers of the army. *Nat. Int.*

Watertown, (Jeff. co.) August 11.—Col. Stone, while on his way from Sackets Harbor to Cape Vincent, in a boat with about 30 men was attacked last week by a launch, from the Royal George with nearly the same number of men. The British commenced their fire some time before they were within reach. The col. directed his men to kneel close down in the boat, till they came within 12 rods of her. This order was obeyed until we came within about 18 rods when the balls came so fast from the British and some of them through the clothes, and one through the hat of our men, the colonel ordered them to rise, take good aim and fire, which they did all as one. No sooner was this fire made than the launch put about, and made her escape, by double manning their oars under a discharge of several rounds from our boat; no lives were lost on our part.

Lexington, (K.) August 8.—We understand, that the executive has issued orders for the volunteers of this state, not destined for Canada, to be placed under the command of governor Harrison. The Red Banks, and Louisville, are appointed as their places of rendezvous, this arrangement will give governor Harrison the command of 4000 as brave men as the world can produce. Many of them had expressed their regret at not being ordered out with the first detachment: They will now be gratified and under the commander of their choice, will soon march to certain victory, and honor.

EXTRACT OF A LETTER, DATED

Buffaloe, August 25.—"I arrived here yesterday, to inspect the troops. The vessels with Hull's army came down opposite this place last evening."

NAVAL.

The United States frigate Essex has taken eight English ships, and has sent the prisoners to Newfoundland.

Prizes are pouring into almost every convenient port; and many privateers are still fitting out. We are endeavoring to get a list of them. 100 sail are at sea.

Thirteen American vessels, prizes, have been sent into St. John's, Newfonndland.

COMMODORE RODGERS.

Philadelphia, Aug. 31.—The British ship John, of Lancaster, (midshipman Cox, prize-master) of sixteen guns and thirty men, prize to the squadron under the command of commodore Rodgers, is below. She was taken on the 26th of *July*, lat. 30, N. long. 21, W. on her passage from London to Martinique, in ballast—and parted the next day, the squadron then standing N. W.

We are informed, tkat in the action between the President and Belvidere, commodore Rodgers had his leg broken, and twelve men were killed by the bursting of a gun. Midshipman Taylor, and three men were killed, and midshipman Montgomery and five men wounded by the fire from the Belvidere.

The squadron had only taken four vessels, viz. two brigs which were burnt, and the abovementioned ship John, and brig Dolphin, of Guernsey, both sent for the first port in the United States.

BOSTON, August, 31.

The United States frigate Constitution, captain HULL, anchored yesterday in the outer harbor, from a short cruise, during which she fell in with the English frigate Guerriere, which she captured, after a short, but severe action. The damage sustained by the fire of the Constitution, was so great, that it was found impossible to tow her into port, and accordingly the crew were taken out and the ship sunk.

Particulars of the late action between the U. S. frigate CONSTITUTION, *and the British frigate* GUERRIERE,

[Communicated to the editors of the Boston Gazette by an officer on board the Constitution.]

Lat. 41, 42, N. long. 55, 33, W. Thursday, August 20, fresh breeze from N. W. and cloudy; at 2 P. M. discovered a vessel to the southward; made all sail in chase; at 3 perceived the chase to be a ship on the starboard tack, close hauled to the wind; hauled S. S. W.; at half past 3, made out the chase to be a frigate; at 4, coming up with the chase very fast; at quarter before 5, the chase laid her main topsail to the mast; took in our top gallant sails, staysails, and flying gib; took a second reef in the topsails, hauled the courses up; sent the royal yards down; and got all clear for action; beat to quarters, on which the crew gave three cheers; at 5, the chase hoisted three English ensigns, at five minutes past 5, the enemy commenced firing; at 20 minutes past 5, set our colors, one at each mast head, and one at the mizen peak, and began firing on the enemy, and continued to fire occasionally, he wearing very often, and we manœuvring to close with him, and avoid being raked; at 6, set the main top gallant sail, the enemy having bore up, at five minutes past 6, brought the enemy to close action, standing before the wind; at fifteen minutes past 6, the enemy's mizen mast fell over on the starboard side; at twenty minutes past 6, finding we were drawing ahead of the enemy, luffed short round his bows, to rake him; at 25 minutes past 6, the enemy fell on board of us, his bowsprit foul of our mizen rigging. We prepared to board, but immediately after, his fore and main masts went by the board, and it was deemed unnecessary. Our cabin had taken fire from his guns; but soon extinguished, without material injury; at 30 minutes past 6, shot ahead of the enemy, when the firing ceased on both sides; he making the signal of submission, by firing a gun to leeward; set fore sail and main sail, and hauled to the eastward to repair damage; all our braces and much of our standing and running rigging and some of our spars being shot away.—At 7, wore ship, and stood under the lee of the prize—sent our boat on board, which returned at 8, with capt. *Dacres*, late of his majesty's ship *Guerriere* mounting 49 carriage guns, and manned with 302 men; got our boats out, and kept them employed in removing the prisoners and baggage from the prize to our own ship. Sent a surgeon's mate to assist in attending the wounded, wearing ship occasionally to keep in the best position to receive the boats. At 20 minutes before 2, A. M. discovered a sail off the larboard beam, standing to the south;—saw all clear for another action; at 3 the sail stood off again; at day-light was hailed by the lieutenant on board the prize, who informed, he had four feet of water in the hold, and that she was in a sinking condition: all hands employed in removing the prisoners, and repairing our own damage through the remainder of the day. Friday the 20th commenced with light breezes from the northward, and pleasant—our boats and crew still employed as before. At 3 P. M. made the signal of recal for our boats (having received all the prisoners) they immediately left her on fire, and a quarter-past 3, she blew up. Our loss in the action was 7 killed and 7 wounded; among the former, lieut. *Bush* of marines, and among the latter, lieutenant *Morris*, severely*; and Mr. *Ayl-*

* Now recovering.

win, the master, slightly. On the part of the enemy, 15 men killed, and 64 wounded. Among the former, lieutenant *Ready*, 2d of the ship; among the latter, captain *Dacres*, lieutenant *Kent*, 1st; Mr. *Scott*, master; and master's mate.

The Constitution took and destroyed 2 English brigs, one in ballast and one loaded with lumber, bound to England. Also, two days previous to falling in with the Guerriere, re-captured the brig Adeline, of Bath, from London, with a full cargo of dry goods, which had been taken 7 days previous, by the sloop of war Avenger, took out the crew and put a prize master on board, and ordered her into the first port in the United States.

Extract from the journal of the privateer schr. Globe of Baltimore.

On the 14th July, got under way—blowing fresh—Taylor fell from the mainmast and broke his right thigh;—at 9 o'clock, P. M. sprung the mainmast, lost the tender, and put in to refit. 15th, arrived off Annapolis; the fort fired at us on account of not hoisting a signal; the shot passed between the masts, no damage. 17th, shipped a new mainmast, &c.—a large brig hove in sight and came to in the bay; the fort fired several shot at her which did not reach—the Baltimore letter of marque Cora in company with us—the Cora sent her boat on board the brig, which proved to be H. B. M. dispatch brig Bloodhound, of 10 guns; took possession in co. 19th, got under way with a fine light breeze. 20th, arrived at Hampton Roads. 24th, got under way, and went to sea with a fine crew of about 80 men in all. 25th, spoke ship Marmion, from New-Orleans for Baltimore.—26th, spoke ship South Carolina, from do. for do.; boarded a large ship from Havannah for New-York, all well. 27th, boarded a schr. from the West-Indies for New-England, who had fallen in with four sail of merchantmen without convoy three days before;—brought to schr. Polly, of Boston, from Havana for do. examined her papers, &c. 30th, brought to ship Camilla, of Philadelphia, from Cadiz for do;—boarded a Swedish schr. from St. Barts. for Norfolk, and while over hauling her, being at the mast-head, I discovered a sail ahead, which we gave chase to but lost her in the night. 31st, saw a sail, to which we gave chase and in about three hours were within gun-shot, when we commenced firing; she hoisted British colors and returned fire with her stern chasers, 2 long 9's, which was continued for about 40 minutes, against our long 9 (midship) that being the only gun we could get to bear, as it was blowing fresh, and she crowded all sail; when we got close enough we began to fire broadsides, (charged with round shot, double-shotted, and then with langrage and round) which she returned, broadside for broadside; when we got within musket-shot, and fired several vollies into her, she struck, after a brisk engagment of an hour and half. She proved to be the English letter of marque ship Boyd, from New-Providence for Liverpool, laden with coffee dye-woods and cotton—mounts 10 guns, viz. 2 long 9's, 2 short 12's and 6 long 6's. None hurt on either side. Our sails and rigging cut—their boat shot all over, rigging and sails cut, and several shot in the hull. Took out all the crew, except the mate and two men, and put a prize-master and eight men on board, and ordered her for Baltimore—[arrived in Philadelphia.] The prisoners used as ourselves. Aug. 1st, parted with the Boyd, and went in quest of two other English vessels which were expected this way. Repaired damages. Seven prisoners entered as seamen. Saw a schooner and gave chase, but lost her in the night; saw another sail same night, which also escaped.—2d, 11 A. M. saw Bermuda, we passed within gun-shot, cruised off under British colors. 3d, at sunrise, saw a sail ahead, standing towards us; when we got near enough, manœuvred for two hours; she appeared to be an English sloop of war; she gave chase, but soon gave it up, as they did not make any way with us. 4th, saw a schr. to windward, and chased all day; sweeps out from 4 till 8 P. M.—she altered her course, and escaped under cover of the night. 8th, officers and men put on allowance of three quarts of water per day, for cooking, &c. 9th, liquor exchanged, *quart for quart*, for water. 14th, saw a sail ahead, to which we gave chase, and captured without resistance. She proved to be the British schr. Ann, from the City St. Domingo for Guernsey, laden with mahogany and logwood; mounts 4 guns, and carries 9 men.—[arrived.]

[Several other interesting journals, in type, omitted.]

The Chronicle.

Several flags of truce and cartels with prisoners, &c. have arrived at Boston and New-York. The British schooner Hope arrived at the first mentioned port on the 25th ult. having sailed from Halifax at an hours notice, on the arrival of a frigate in 30 days from England—the Hope had orders to wait an answer from Washington.

The war in Spain continues without any material change in its aspect since our last notices of it. The details are tedious and generally uninteresting. The French, in possession of many of the provinces, are chiefly acting on the defensive.

Messrs. Porter and Johnson (federalists) have been elected representatives in congress, from Rhode Island.

The *Manufacture* of Spanish and Portuguese vessels is briskly going on, as well in the ports of the United States, as in all the ports of the world which the news of the war has reached!

Several vessels have arrived from England, richly laden with goods.

We are now assured that France has declared war against Russia—it was officially announced at Paris on the 2d of July. As the emperor is near the Russian frontier with a mighty army, great events may be looked for.

Louisiana election.—The returns of votes being canvassed it appeared that W. C. C. Claiborne had 2750 votes and Jacques Villere 945; being the two highest of the candidates the legislature proceeded agreeably to the constitution to select the governor, and Mr. C. had 33 votes, Mr. V. but 6—the former was thereon declared duly elected.

The revolutionists in East Florida have formed a convention, consisting of 15 members to draft a constitution and make such other municipal regulations as may be deemed expedient. The convention was to have met on the 27th ult for the purpose of choosing a director or governor general. They intend, immediately after their government is organized, to make a vigorous effort to possess themselves of the province and deliver it up to the United States.

[*Washington (Geo.) Monitor.*

We understand by a gentleman from East Florida, that the patriots had a convention, and have appointed John Houston M'Intosh, governor, and elected members of the legislature.

This looks like men determined to be free, and in all their *laudable* exertions, we most heartily wish them success.—We trust that under the guidance of that Omnipotent Power, whose darling attribute is liberty, they will be able to burst the fetters which have enchained them under a despot, and assume their proper rank among the people as freemen. *Georgia Argus*

We have favorable accounts from the Creek Indians. They have put to death six of the people, adjudged guilty of murdering certain white persons, and cropped five others; and appear determined to preserve a good understanding with the United States.

A duel between lords *Camden* and *Castlereagh*, in consequence of a dispute on American affairs, is stated to have been fought on the 9th of July, in which the *latter* was killed.

BOSTON, August 29.

When the Jamaica fleet was fallen in with, on the 6th of August, it consisted of about 70 sail under convoy of the Africa 64, Thetis 38, (short handed, having lost 136 men by sickness) and two gun brigs. Two days previous the Shannon, Guerriere, and Belvidera, had left the fleet in pursuit of three sail, which they supposed to be an American squadron.

The address of the committee in the state of New-York, in support of the nomination of *Dewitt Clinton*, as president of the United States is laid off for our next.

The title and index for the second volume will accompany the next number.

THE WEEKLY REGISTER.

No. 2 of vol. III.] BALTIMORE, SATURDAY, September 12, 1812. [whole no. 54.

Hæc olim meminisse juvabit.—Virgil.

Printed and published by H. Niles, South-st. next door to the Merchant's Coffee House, at $5 *per annum.*

Address,

Of the committee of the city of New-York, acting under the authority of the general committee of correspondence of the state of New-York, in support of the nomination of the hon. DE WITT CLINTON, to the presidency of the United States at the ensuing election.

TO THE PEOPLE OF THE UNITED STATES.

Fellow-Citizens,—The most important interests of the United States are interwoven with the acts of their chief magistrate. Every citizen has, therefore, a deep concern in the choice of that high officer, and an undeniable right to lay his reflections on that subject, respectfully, but with freedom, before the community, of which he is a member.—On that broad basis we might perhaps justify this address, and trust to the correctness of the principles we maintain, for vindication with our countrymen; but we are induced to present ourselves by another, and we think a sufficient consideration.

The state of New-York has, by an open nomination of a candidate for the presidency, entered its formal protest against the practice of congressional nominations. Convinced as we are of the superior worth and qualifications of Mr. Clinton, we are also impelled by the sincerest respect to the federal constitution; by our desire to preserve the sovereignty of the states, as guaranteed and marked out by that instrument; by a regard to the rights of the people and to the freedom of election, to maintain her in the stand she has taken.

The general committee of correspondence on the part of the state, have appointed us a select committee to explain and vindicate the grounds on which the nomination has been made, and to aid in carrying it into effect. We have accepted the trust, and shall perform it at least with fidelity. The fear of criticism and censure shall not overawe the sense of duty, nor silence the strong convictions of our judgment. Our interests and obligations, whether as citizens of this state, or of this confederation, have, we know, a reciprocal relation; and we cannot be true to the one, without diligently discharging the other.

Nevertheless, we feel much restraint and embarrassment in thus appearing before the American nation; we are sensible of the delicacy of the undertaking, and enter upon it with diffidence and solicitude. While most anxious to avoid blame, and to obtain consideration only through the purity of our motives, and the soundness of our opinions, we anticipate harsh animadversions: we shall be held up to the scrupulous as rash, and to the formal as innovators: our appeal to your tribunal will be stigmatized as presumptuous: our sincere persuasions on subjects of national concern, will be imputed to unworthy motives; will be treated with levity by some, and opposed with bitterness by many.

We are, however, convinced that those will be loudest in their invectives, whose interests are engaged, or whose prejudices have been enlisted against the cause we espouse, and in favor of the doctrines we conceive it our duty to dispute.—Does the Mussulman who venerates the Koran, and bows before the crescent, abide the scrutiny of the understanding, or weigh the force of argument, when he reviles the christian infidel that rejects the Mahometan faith?

Free citizens of America, be not deceived by such as, wrapping themselves up in the mantle of infallibility, disdain to inquire after truth by the sober light of reason, or to learn wisdom in the school of experience: distrust those who shrink from investigation, because it is their interest to maintain prevailing tenets, and to continue existing practices; examine national questions for yourselves: decide upon them according to the counsel of your own unbiassed judgments.

We have said that the state of New-York has entered its protest against congressional nominations. In doing so, it has acted wisely. *The nomination of a candidate for the presidency of the United States by an association of members of congress, convened at the seat of government, is hostile to the spirit of the federal constitution, dangerous to the rights of the people, and to the freedom of election.*

Whoever examines that constitution with attention, will perceive that the election of the president is intended to be made, not by the *people* of the United States, in the sense in which they may be said to choose the members of the house of representatives; but by the *states composing the union, in their separate sovereign capacities*, each state voting in the ratio of its population.

The unbiassed exercise of this invaluable right of state sovereignty has been guarded in that instrument with jealous care. "No senator or representative, or person holding an office of trust or profit under the United States, shall be appointed an elector." Even a state, in delegating its own *sovereign right*, is restrained from confiding its power to any person connected with the congress of the general government.

Permit us now to ask, did this pointed exclusion of the individuals composing congress, or interested in the general government, from participating in the election of president, merely contemplate the avoiding of corrupt influence? Even if that were its only object, no evasion of it should be tolerated; but we believe it further and more particularly aimed at maintaining the authority and rights of the individual states; and we are confirmed in that opinion by observing that where the members of the house of representatives are, from necessity, permitted to interfere in the election, they are compelled to vote *by states*. The constitution thus, in every case, maintaining the principle that the chief magistrate is to be chosen by the states, in their separate, sovereign capacities.

It is perfectly manifest, therefore, that those who compose a congressional caucus are, except in one event, and that in the last extremity, excluded by the express words of the constitution, from intermeddling in the election of a president. Can their attempt then in the first instance, to nominate the candidate for that office, be consistent with its spirit? Who should nominate? Some among the states which enjoy the constitutional right to elect. Surely none of those persons, whose interference is cautiously prohibited as teeming with danger, and who are therefore made subject to an incapacity imposed upon no other citizen: and yet, these prohibited and disqualified characters, are to stand forth and designate the president with an authority so conclusive, that to differ from them and exercise an independent right, agreeably to the letter and spirit of the constitution, is stigmatized as nothing short of political heresy!

The very power possessed by congress of selecting among the different candidates, where a choice has failed through a division of the electoral votes, *although it may be, and we believe has been the motive and ground-work of congressional nominations*, ought in all delicacy and fairness, to be an insuperable bar against them. The bias of that nomination is certain of influencing the result of that selection. The connection between a nomination originated through members of congress, and an eventual choice by them conformably thereto, is obvious and has, we fear been contemplated. But is it consistent with the spirit of the constitution, or the principles of justice, that those should decide in the last appeal, who had made themselves partizans in the first resort, and had committed themselves by previous engagements?

We are aware of the distinctions made by members of congress. When making those nominations, they affect to act in the capacity only of private citizens. Is it possible that the good sense of the community can be deceived by such a shallow artifice? If in good faith they mean to act only as private citizens, let them do so in their respective states, to which the right of election, and the consequent right of nomination belong. There (if any where) their influence would be correctly exercised. But at the very seat of government, on forbidden ground, that almost all the disqualified persons in the union should assemble, and designate a presidential candidate, seems to us something like an indecent infringement of the rights of the states, and an open contempt of the provisions of the constitution. If the members of the house of representatives were to assemble and point out to the president and senate, a foreign ambassador or a judge, would it not be considered as monstrous arrogance? How then are we to characterize the act of the same men, and of the senate, who, notwithstanding their personal disabilities, presume to nominate to the respective states, the officer whom they are required to choose? Suppose the two houses, by a concurrent resolution, recommended a candidate for the chief magistracy, who would hesitate to say it was a violation of the constitution? If then, such an act by them in the forenoon, would be *a violation*, is not the very same act by the very same men in the afternoon, at least *an evasion of the constitution?* Are not the mischiefs to which we have already alluded, and those we are about to suggest, as likely to result from their vote in caucus, as from their vote in congress? Indeed, of two evils, let us choose the least. If they are to interfere let them do it in such a way, as that their conduct may be fairly cognizable by their constituents. If they must act, let them act at least under their official responsibility.

If we are not mistaken, we have demonstrated that a nomination to the presidency, by members of congress, is repugnant to the constitution; we shall now vindicate that instrument, by shewing that the measure, if it shall grow into usage, will also be dangerous to the rights of the people, and to the purity and freedom of election. "If it shall grow into usage?" and has it not already grown into usage? Is it not engrafting itself upon our constitution, and acquiring strength after the manner of all other successful usurpations? Even now, acquiescence in *the regular nomination at Washington*, is by many considered as the touchstone of republicanism. The individuals, or the states that dare to exercise the right of independent choice, are denounced as schismatics and factionists; and if already an innovation so recent, and so flagrant, be called *the regular nomination*, what will be its influence, should time and repetition give it a additional sanction? Let the encroachments of constituted authorities, upon every free government that has been undermined, furnish the answer. Should the practice become inveterate we do not hesitate to say, *that to promulgate a nomination will be to decree the election.* The congress will appoint the president, and the constitutional electors will be mere officers, to register its edicts.

Would this change in our system produce beneficial results? At best it would endanger the independence of the executive, by giving to congress an influence over the measures of government,

never contemplated by the constitution, and calculated to diminish the responsibility of the president, the people's only security for his faithful conduct in office. The chief magistrate of the union would owe his elevation and continuance in office to a junto of congressmen, and not to the nation. A sovereign right of the states would be absorbed in congressional influence, or sacrificed to executive patronage; and an inestimable control, provided by the constitution over the measures of the federal administration, and vested in the states, would be thus defeated and destroyed. But in truth, the general government would be made to depend upon itself and upon its skill in generating a caucus through intrigue, and intriguing through a cabal.

If the heads of departments, with their clerks and the other persons holding offices of trust or profit under the United States, were to assemble *in their individual capacities*, at the capitol at Washington, and nominate a presidential candidate, would you not be disgusted and shocked? and yet do you believe that they are passive spectators of a *regular caucus nomination?* Mark the danger at least, that on some future occasions, men whose station and standing, nay, whose very bread may depend upon the continuance of the same administration, will cultivate the opportunities of private friendship, of official intercourse, of familiar hospitality, of public magnificence; will bias the understanding, engage the hearts, work upon the weakness, and perhaps tamper with the purity of your representatives, connected as they will be in the very focus of executive influence; and having made them fitting instruments, will remain in the back ground, but in fact promulgate the nomination of their own peculiar patron and protector, or perpetuate the succession, if not in the same family, at least in the same dynasty!

How far the germ of these evils is already observable, we do not wish to enquire; but rather proceed to indicate another danger which would grow out of this change of system, and become daily more imminent from the increasing importance of this country. As yet, we hope, no foreign power has attempted to influence the elections of our chief magistrate. The thing is impossible, so long as the provisions of the constitution are observed in spirit as well as letter. While the choice of that officer is in truth made by the states, no foreign agents can approach them or bias their suffrages; and thus a calamity that has harassed Poland, Venice, Genoa, the Papal See, almost every other people having an elective executive, is effectually guarded against. But as we rise in the scale of nations, should we concenter the real electors (or at least those whose nomination is to be received as the first regular step to an election) in the one place, and that to the residence of foreign ministers, whose diplomatic office it often is to conciliate and corrupt, can we be so foolish as to suppose, that the opportunity would be neglected by them of obtaining a hold in our councils, and a control over our government?

These are our convictions respecting the unconstitutionality and dangers of our congressional nominations. Were we not restrained by respect for many of the individuals concerned in them, we would expatiate on them as a public offence; and did we not hope that general reprobation would henceforward abolish their use, we should urge their prohibition by law. Very different indeed is the nomination by individual states. Though not enjoined by the constitution, it is perfectly consistent with its principles, and can never produce any inconvenience but the number of candidates; which would at least be accompanied with the advantage of affording a greater opportunity for judicious selection. The inconvenience, however, is merely imaginary, and would never have practical existence. Mutual forbearance, reciprocal intercourse, and good understanding, would be established by the common interests. Circumstances would almost always decide which state should nominate. The acknowledged celebrity or worth of some prominent character; the propensity to rotation; the importance of some members of the confederation, and other similar considerations, would combine to indicate the state from which the chief magistrate, for a term, should be taken. If any one among them should be perpetually urging pretentions and claiming superiority or should seek to retain to itself a monopoly of honors or power, the spirit of independence, equality, and participation in the other states, would check its pretensions and teach it moderation.

The state of New-York has now, for the first time, put forward its claim; and examine, we request you, whether some considerations do not strongly mark the propriety of its giving the next president to the union.

The state of Virginia has, for twenty out of the twenty-four years of our present government, enjoyed that honor; she seems desirous of possessing it for another term, and perhaps for as many more as the patience of her sister states will permit. We cheerfully acknowledge the worth and services of the magistrates she has produced; nor do we doubt her competency to furnish a brilliant succession for many years to come; but may be permitted to suggest, that the patriotism and wisdom of the union are not entirely confined within her precincts. If her pretensions be founded on exclusive, or even superior talents, they are offensive to her compeers, and we think unjust. If other states then, can furnish able and intelligent chief magistrates, there are reasons of no light moment, why she should for a time, retire from the competition.

Perhaps if the original framers of our constitution, had inserted a provision for the practical restoration of the presidential office, in the different states, and in some proportion to their population or importance, they would have given an additional proof of their wisdom and foresight. If they had done so, we should not now have occasion to allude to jealousies, the existence of which it is vain to deny, however deeply they may be lamented, as gradually undermining the habitual attachment of many for our confederation. We will abstain from enquiring into their justice; it is unnecessary; since to render them dangerous to our prosperity, it is not essential that they should be well founded; it is sufficient if they exist. They will in that case equally rankle in the heart, bias the understanding, and alienate the affection of whoever feels them. To what are they chiefly owing? Why is *Virginia influence*, a bye-word in the eastern states, while no one talks of South Carolina of Pennsylvania influence? We are not disposed to facilitate our success, by encouraging those jealousies against Virginia influence. The best interests of the union require that they should be allayed; but we are convinced they never will cease, while the cause or pretext for them remains. Virginia herself, as she values the confederation, should abdicate a situation, which she cannot retain without wounding the feelings of her associates, and weakening their attachments for our union.

Another evil has resulted from the protracted continuance of power in the same quarter. The agricultural and commercial states are beginning to be arrayed against each other, and to feel as if they were not connected by a common bond of interests. The errors of this sentiment we disclaim; but the practical merchants and farmers are prone, in every country, to regard each other as rivals; nor will either party ever patiently submit to be long and exclusively governed by the other, or regulated by its peculiar views or tenets. The population and resources of this state place it in the first rank, while its local situation makes it one of the fit depositories of power, until the distrust and suspicions alluded to shall have subsided, or the evils they complain of shall be remedied. It is a middle state, not deeply tinged with either northern or southern prejudices: It is eminently commercial, and most extensively agricultural: it would be likely to hold the balance even, and to conciliate the interests and good wishes of all.

These considerations would be weighty, even in times of profound peace; but the existence of a war furnishes another and a most powerful argument. New-York is, indeed a *middle*, but she is also emphatically a *frontier state*. Whatever disasters may be produced by the war, she will share them as a common calamity, and probably she will also feel them with peculiar severity, as inflicted on herself. We do not utter this in the spirit of querulous repining; nature has placed us in the post of danger, and our hearts and principles determine us to defend it as the post of honor. But if our borders are to be harrassed, and, peradventure, our territory invaded; if our opulent and defenceless capital seems to invite the foe, does not the welfare of the union at large, require that its resources should be directed to the protection of those exposed places, by a statesman to whom their wants are perfectly known, and who would guard them with affectionate zeal? If to this argument of general concern, we added somewhat of personal gratification, should we do wrong? If we said—now that our fortitude is to be peculiarly tried; that our population is to be poured out; that our property may be laid waste; that our individual happiness is put at risque; we offer you a chief magistrate whose republican principles you cannot doubt; of whose competency and talents to discharge the duties of that station, you are well convinced; gratify us in his election. He enjoys our utmost confidence; he inherits the blood, the principles and firmness of that hero, whom ourselves and our fathers long delighted to honor—who was the guide and guardian of his native state, when the same enemy desolated our lands and burnt our towns; who was never appalled in its utmost difficulties, and whose valor and wisdom eminently contributed to the ultimate triumph of America.—If we even urged a persuasive like this, is there an American heart, susceptible of feeling or gratitude, that would repel our claim?

There remains to us another subject, which we most reluctantly enter upon, and which we shall endeavor to discuss with candor and forbearance. We are not enemies to Mr. Madison, and should regret exceedingly if we were considered as disparaging his reputation. Much as we esteem Mr. Clinton, and desirous as we are of his success, we should reject it, if it could only be accomplished by villifying his competitor; but the merits of the one do not require to be set off by censuring the other. Mr. Madison has passed through a life of honor and public services, and has been already exalted to the first office in the union. His friends are desirous of his enjoying it for another term, and allege something like usage in the re-election of his predecessors.——It is true Washington, the idol of all parties, was so exalted; it is true Jefferson, the idol of the republicans, obtained the same distinction; but a magistrate may be very meritorious, without deserving the honors conferred upon Washington and Jefferson.

We are not aware of any advantage that can result by establishing the rule, that every president, who is not extremely disapproved of, shall be re-elected. The next step will be, that some favorite public servant, as a proof of our peculiar esteem, will be continued in office for three successive terms; and soon three times will be the ordinary period of a president whom it is not intended to disgrace: thus we shall imperceptibly slide into an election for life, and perhaps towards an hereditary succession. Eight years are not an uncommon length of time, as a reward for uncommon services: but there is no reason why they should become the ordinary tenure of office. Nevertheless, had there been no sufficiently counterveiling motives, and had the times been more tranquil, we should not, perhaps, object to the re-election of Mr. Madison, if that honor were deemed necessary to fill the measure of his fame. But, much as we respect the feelings of that gentleman we cannot consent to offer them that tribute under existing circumstances. The present situation of our country excites the deepest anxiety, and renders the choice of its first public officer more important and interesting than ever. This choice involves in effect a question of administration, the appointments of heads of departments, and the institution of principles of policy for conducting our public affairs, of the utmost consequence to the union.

It is a sacred provision of our government, that the president is the responsible officer under the constitution. The prerogative maxim of Britain cannot be applied to him, *that he can do no wrong*. He is answerable to the nation not only for the general system of administration, but also for the prominent public acts and omissions of his secretaries. The officers are to act under his direction, and cannot be admitted to stand in the same capacity

with the ministers of the king of England, interposed between the chief magistrate and the people, to bear the burden of public censure, and screen him from public observation. A severe enforcement of this essential rule, which makes the president responsible to the nation for the acts of his secretaries, has become indispensable for the restoration of the republic to a healthy condition.

The mode of conducting the war in which we are embarked, is intimately and essentially connected with a satisfactory adjustment of our differences, with the best interests of our country, and with the honor of the American name.

The probability of its taking place could not but have been anticipated; the resources it would require, should have been maturely considered, and the means of providing them directed and arranged; the preparations to wage it with effect ought to have been reasonably made. Have those things been done? We do not wish to enter into a minute detail, that might present a disheartening picture to our country, but we are compelled to ask, where are the marks of system and preparation? Our armies have entered upon military service; which of them is properly provided for the present, or when and where have arrangements been made for securing to it the necessary supplies for the future? We fear it will not be found in the army under general Hull; we are sure it is not in the force collected to defend New York; nor that organizing on our western border. Supplies for the first should have been furnished through the lakes, and collected before the British had notice of the war: it is now impossible: and that the last is even as yet provided with tents, is entirely owing to the uncommon and unremitted exertions of the governor of this state.—Indeed the very impossibility of furnishing our armies by the lakes, is in itself a striking proof of incompetency or inattention. We think no administration, possessing either foresight or vigor, would have omitted strengthening our naval force upon those extensive inland waters, so as to ensure to us the naval superiority in them. The facility of doing this is nearly equal to its importance: and in time of war that superiority is of the last importance to the U. States, particularly if an attack upon the Canadas be contemplated; besides, the augmentation of our naval force there, is not subject to the same objection frequently made against a similar measure in our Atlantic ports, that it would tend to involve us in the maritime conflicts of Europe.

It is in vain to say that these are the errors of the heads of departments. The just and salutary rule of our constitution compels us to place them to the account of our present executive.——The secretaries of the navy and of war, are bound to execute the orders given them by the president, on all naval and military affairs: either he directed the necessary preparations to be made, or he did not. If he directed them, he is responsible for continuing incapable men in office: if he did not, the blame attaches personally on himself.

But wherefore this lingering preparation, and final inadequacy of the means employed in the contest our government has undertaken? Appropriations were made, in preceding sessions of congress, for the timely provision of munitions of war, in the apprehension that hostilities would grow out of the infringements of our neutral rights Why has the application of them been neglected, till the conflict was at hand? Do not our raw recruits and vulnerable points in the most valuable and important quarters, declare that recourse has been had to hostilities without a digested system either of defensive or offensive operations? Neither advice of the declaration of war, nor instructions or orders were received by the commanding officer of our squadron at New-York, till general publicity afforded sufficient time for the enemy, most exposed to his operations, to avoid attack and elude pursuit. An opulent fleet of merchantmen sailed from Jamaica, exactly in time to have been easily intercepted, if the orders of government had been prompt and decisive: but they escaped capture by some negligent delay at Washington; and we should even wish to know, was commodore Rodgers informed of that fleet by our government, or did he accidentally hear of it at sea?

If this country be competent to carry on the war, and we are sure it is—if our executive sufficiently foresaw the approach of hostilities, and informed themselves as to the best means of conducting them with effect, and shortening their duration by a vigorous commencement, we should have expected to see, not ten or twelve hundred men collecting in the vicinity of Albany, but forces formed, organized and disciplined; an army invading Nova Scotia to wrest from England her best naval station on our seas; another acting against the Canadas, and a third attacking the Floridas at the same time.

How shall we characterise the uninterrupted permission to carry on trade with Spain and Portugal? Is it a measure of electioneering policy, or a further proof of the absolute inefficiency that pervades our councils? It undoubtedly affords to England the amplest means of supplying her armies with provisions of every kind, of which they would otherwise be destitute; and therefore gives the most effectual *aid and comfort* to the enemy. It is a trade which cannot be carried on under the American flag; for that will necessarily be excluded by the superiority of the British power in the seas that wash those coasts It may easily be carried on by British vessels, covered by subjects of Spain and Portugal. It affords them to the foe, the means of prolonging the war against us, and promotes the prosperity of British and foreign tonnage, to the ruin of our own ships and merchants. Had the parliament of England legislated for us on this subject, from its policy, its wisdom, and its hatred to our shipping and trade, this arrangement might, perhaps, have been expected; proceeding from our own rulers, it seems almost incomprehensible.

But money has been aptly called the sinews of war, and what system of procuring it has been furnished by our present administration? Where is the republican who is not astonished and confounded at the scheme of taxation proposed through the department of the treasury? It almost seemed intended to damp the public spirit of the country: objects of revenue were presented, odious to the feelings of the citizen, and which, under similar circumstances, formerly occasioned the reprehension of the very person who now revives them. It was not found expedient to adopt this plan; perhaps it was judged cunning to postpone it till after the presidential election. The credit of the nation is therefore put to the test, by a call for a very large loan, without a specification of security, and impaired, by placing at the disposal of the administration, for instant expenditure, and in order to avoid the immediate resort to direct taxes, monies appropriated to the sinking fund, for the purpose of buying undeemed debt at a price under par. This injudicious use of that fund, heretofore held sacred by all administrations, cannot fail most injuriously to affect the credit of the other loans at market.

The expences incident to our situation must, we know, be incurred, and we think that the administration have insulted the patriotism of the people, by declining to take the necessary steps for meeting them; but indeed, considering the conduct hitherto pursued, we are seriously apprehensive lest an immense public debt should be accumulated, without the attainment of any equivalent advantage. The service of the next year may be expected to call for twenty millions, without having made any serious impression on the enemy, or any advance towards the favorable adjustment of our disputes.

The nomination of De Witt Clinton for the presidency, by the state of New-York, proposes to the Union, as we firmly believe, a relief from the evils of an inefficient administration, and of an inadequately conducted war. His patriotic and inflexible principles guarantee a firm and unyielding maintenance of the sovereign rights of the United States.——Nevertheless, he is not engaged, through any effect of foreign diplomacy, as to the controverted claims of the belligerents of Europe upon each other, in the new and outrageous species of hostility introduced into the present war.

His qualities, as they have been proved by a long trial in public life, assure us of an able and upright conduct of our national affairs. From his discernment, we infer an excellent selection of the best talents in the nation, to fill the high stations of government, and aid the republic with their counsel and services.

From his energy we anticipate vigor in war, and a determined character in the relations of peace. We believe him to be, in this respect, formed on the model of his venerated uncle, whose decision of mind, constancy and firmness, were almost unequalled.

His attachment to the commercial interests of the union, is founded upon an intimate acquaintance with their beneficial results, and a persuasion of the national advantage accruing from commercial pursuits.

His administration would, we believe, aim at reviving the almost expiring commerce of the country, and extending to it a naval protection proportioned to its value, and to the revenue poured by it into the national coffers. In fine, we believe, that to maintain the rights of his country, would be his unalterable resolution; to regain peace would be his study; to retain it would be his desire; and to restore the republic to health and prosperity, his highest ambition.

We therefore earnestly recommend him to the support of the other states, and to the suffrages of the electors for the next president of the union.

WILLIAM W. GILBERT
MATTHIAS B. TALLMADGE,
JOHN McKESSON,
PRESERVED FISH,
PIERRE C. VAN WYCK,
GURDON S. MUMFORD,
JACOB DE LA MONTAIGNE,
BENJAMIN DE WITT,
SILVANUS MILLER,
THOMAS ADDIS EMMETT,
BENJAMIN FERRIS,
R. RIKER,
ELBERT HERRING,
P. WILSON,
JOHN H. SICKLES,
SAMUEL HARRIS.

New-York, 17th August, 1812.

East Florida.

The following documents were confidentially communicated to Congress on the first of July last. The injunction of secrecy was afterwards taken off.—They have not yet been generally published, and afford much information as to the late events in those countries.

From the Secretary of State to general George Mathews and colonel John M'Kee, dated

DEPARTMENT OF STATE, January 26, 1811.

The president of the United States having appointed you jointly and severally commissioners for carrying into effect certain provisions of an act of congress (a copy of which is enclosed) relative to the portion of the Floridas situated to the east of the river Perdido, you will repair to that quarter with all possible expedition, concealing from general observation the trust committed to you with that discretion

which the delicacy and importance of the undertaking require.

Should you find governor Folk, or the local authority existing there, inclined to surrender in an amicable manner the possession of the remaining portion or portions of West Florida now held by him in the name of the Spanish monarchy, you are to accept, in behalf of the United States, the abdication of his, or of the other existing authority, and the jurisdiction of the country over which it extends. And should a stipulation be insisted on for the re-delivery of the country, at a future period, you may engage for such re-delivery to the lawful sovereign.

The debts clearly due from the Spanish government to the people of the territory surrendered may, if insisted on, be assumed within reasonable limits and under specified descriptions to be settled hereafter as a claim against Spain in an adjustment of our affairs with her. You may also guarantee in the name of the United States, the confirmation of all such titles to land as are clearly sanctioned by Spanish laws: and Spanish civil functionaries, where no special reasons may require changes, are to be permitted to remain in office, with the assurance of a continuation of the prevailing laws, with such alterations only as may be necessarily required in the new situation of the country.

If it should be required, and be found necessary, you may agree to advance as above a reasonable sum for the transportation of the Spanish troops.

These directions are adapted to one of the contingencies specified in the act of congress, namely, the amicable surrender of the possession of the territory by the local ruling authority.—But should the arrangement, contemplated by the statute, not be made, and should there be room to entertain a suspicion of an existing design in any foreign power to occupy the country in question, you are to keep yourselves on the alert, and on the first undoubted manifestation of the approach of a force for that purpose, you will exercise with promptness and vigor the powers with which you are invested by the president to preoccupy by force the territory, to the entire exclusion of any armament that may be advancing to take the posession of it. In this event you will exercise a sound discretion in applying the powers given with respect to debts, titles to land, civil officers and the continuation of the Spanish laws; taking care to commit the government on no point further than may be necessary. And should any Spanish military force remain within the country, after the occupancy by the troops of the United States, you may, in such case, aid in their removal from the same.

The universal toleration which the laws of the United States assures to every religious persuasion, will not escape you as an argument for quieting the minds of uninformed individuals, who may entertain fears on that head.

The conduct you are to pursue in regard to East Florida, must be regulated by the dictates of your own judgments, on a close view and accurate knowledge of the precise state of things there, and of the Spanish government, always recurring to the present instruction as the paramount rule of your proceedings.—Should you discover an inclination in the governor of East Florida, or in the existing local authority, amicably to surrender that province into the possession of the United States, you are to accept it on the same terms that are prescribed by these instructions in relation to West Florida. And in case of the actual appearance of any attempt to take possession by a foreign power, you will pursue the same effective measures for the occupation of the territory and for the exclusion of the foreign force, as you are directed to pursue with respect to the country east of the Perdido, forming, at this time, the extent of governor Folk's jurisdiction.

If you should, under these instructions obtain possession of Mobile, you will lose no time in informing governor Claiborne thereof, with a request that he will without delay, take the necessary steps for the occupation of the same.

All ordnance and military stores that may be found in the territory must be held as the property of the Spanish government, to be accounted for hereafter to the proper authority; and you will not fail to transmit an inventory thereof to this department.

If in the execution of any part of these instructions you should need the aid of a military force, the same will be afforded you upon your application to the commanding officer of the troops of the United States on that station, or to the commanding officer of the nearest port, in virtue of orders which have been issued from the war department.—And in case you should moreover need naval assistance, you will receive the same upon your application to the naval commander in pursuance of orders from the navy department.

From the treasury department will be issued the necessary instructions in relation to imposts and duties, and to the slave ships whose arrival is apprehended.

The president, relying upon your discretion, authorises you to draw upon the collectors of Orleans and Savannah for such sums as may be necessary to defray unavoidable expenses that may be incurred in the executions, not exceeding in your drafts on New-Orleans eight thousand dollars, and in your drafts on Savannah two thousand dollars, without further authority, of which expenses you will hereafter exhibit a detailed account duly supported by satisfactory vouchers.

Postscript.—If governor Folk should unexpectedly require and pertinaciously insist that the stipulation for the re-delivery of the territory, should also include that portion of the country which is situated west of the river Perdido, you are, in yielding to such demand, only to use general words that may by implication comprehend that portion of country;—but, at the same time, you are expressly to provide, that such stipulation shall not in any way impair or affect the right or title of the United States to the same.

The Secretary of State to General Matthews.

Department of State, April 4, 1812.

Sir—I have had the honor to receive your letter of the 14th of March, and have now to communicate to you the sentiments of the President, on the very interesting subject to which it relates.

I am sorry to have to state that the measures which you appear to have adopted for obtaining possession of Amelia Island and other parts of East Florida, are not authorised by the law of the United States, or the instructions founded on it, under which you have acted.

You are authorised by the law, a copy of which was communicated to you, and by your instructions which are strictly conformable to it, to take possession of East Florida, only in case one of the following contingencies should happen: either that the governor or other existing local authority should be disposed to place it amicably in the hands of the United States, or that an attempt should be made to take possession of it by a foreign power. Should the first contingency happen, it would follow that the arrangement being amicable, would require no force on the part of the United States to carry it into effect. It was only in case of an attempt to take it by a foreign power that force could

be necessary, in which event only were you authorised to avail yourself of it.

In neither of these contingencies was it the policy of the law, or purpose of the executive, to wrest the province forcibly from Spain; but only to occupy it with a view to prevent its falling into the hands of any foreign power, and to hold that pledge under the existing peculiarity of the circumstances of the Spanish monarchy, for a just result in an amicable negociation with Spain.

Had the United States been disposed to proceed otherwise, that intention would have been manifested by a change in the law, and suitable measures to carry it into effect. And as it was in their power to take possession whenever they might think that circumstances authorised and required it, it would be the more to be regretted, if possession should be effected by any means irregular in themselves, and subjecting the government of the United States to unmerited censure.

The views of the executive respecting East Florida, are further illustrated by your instructions as to West Florida. Although the United States have thought that they had a good title to the latter province, they did not take possession until after the Spanish authority had been subverted by a revolutionary proceeding, and the contingency of the country being thrown into foreign hands, had forced itself into view. Nor did they then, nor have they since dispossessed the Spanish troops of the post which they occupied. If they did not think proper to take possession by force, of a province, to which they thought they were justly entitled, it could not be presumed that they should intend to act differently, in respect to one to which they had not such a claim.

I may add, that although due sensibility has been always felt for the injuries which were received from the Spanish government in the last war, the present situation of Spain has been a motive for a moderate and pacific policy towards her.

In communicating to you these sentiments of the executive on the measures you have lately adopted for taking possession of East Florida, I add with pleasure that the utmost confidence is reposed in your integrity and zeal to promote the welfare of your country. To that zeal the error into which you have fallen, is imputed. But in consideration of the part which you have taken, which differs so essentially from that contemplated and authorised by the government, and contradicts so entirely the principles on which it has uniformly and sincerely acted, you will be sensible of the necessity of discontinuing the service in which you have been employed.

You will, therefore, consider your powers as revoked on the receipt of this letter. The new duties to be performed will be transferred to the governor of Georgia, to whom instructions will be given on all the circumstances to which it may be proper, at the present juncture, to call his attention.

I have the honor to be, very respectfully, sir, your obedient servant.

General Matthews, &c.

The Secretary of State to D. B. Mitchell, the governor of Georgia.

DEPARTMENT OF STATE, April 10, 1812.

SIR—The President is desirous of availing the public of your services, in a concern of much delicacy and of high importance to the United States. Circumstances with which you are in some degree acquainted, but which will be fully explained by the enclosed papers, have made it necessary to revoke the powers heretofore committed to general Matthews, and to commit them to you. The president is persuaded that you will not hesitate to undertake a trust so important to the nation and peculiarly to the state of Georgia. He is the more confident in this belief, from the consideration that these new duties may be discharged without interfering, as he presumes, with those of the station which you now hold.

By the act of the 15th of January, one thousand eight hundred and eleven, you will observe that it was not contemplated to take possession of East Florida, or of any part thereof, unless it should be surrendered to the United States, amicably, by the governor or other local authority of the province, or against an attempt to take possession of it by a foreign power; and you will also see that general Matthews' instructions, of which a copy is likewise enclosed, correspond fully with the law.

By the documents in possession of the government it appears that neither of these contingencies have happened, that instead of an amicable surrender by the governor or the local authority, the troops of the United States have been used to dispossess the Spanish authority by force. I forbear to dwell on the details of this transaction, because it is painful to recite them. By the letter to general Matthews, which is enclosed open for your perusal, you will fully comprehend the views of the government respecting the late transaction, and by the law, the former instructions to the general and the letter now forwarded, you will be made acquainted with the course of conduct which it is expected of you to pursue in future, in discharging the duties heretofore enjoined on him.

It is the desire of the president that you should turn your attention and direct your efforts, in the first instance, to a restoration of that state of things in the province, which existed before the late transactions. The executive considers it proper to restore back to the Spanish authorities Amelia island, and such other parts, if any, of East Florida, as may have thus been taken from them. With this view, it will be necessary for you to communicate *directly* with the governor or principal officer of Spain in that province, and to act in harmony with him in the attainment of it. It is presumed that the arrangement will be easily and amicably made between you. I enclose you an order from the secretary at war to the commander of the troops of the United States to evacuate the country, when requested so to do by you, and to pay the same respect to your orders, as he had been instructed to do to that of general Matthews.

In restoring to the Spanish authorities Amelia island and such other parts of East Florida as may have been taken possession of in the name of the United States, there is another object to which your particular attention will be due. In the measures lately adopted by general Matthews to take possession of that territory, it is probable that much reliance has been placed by the people who acted in it, on the countenance and support of the United States. It will be improper to expose these people, to the resentment of the Spanish authorities. It is not to be presumed that those authorities, in regaining possession of the territory in this amicable mode from the United States, will be disposed to indulge any such feeling towards them. You will, however, come to a full understanding with the Spanish governor on this subject, and not fail to obtain from him the most explicit and satisfactory assurance respecting it.—Of this assurance you will duly apprise the parties interested, and of the confidence which you repose in it. It is hoped that on this delicate and very interesting point, the Spanish governor will avail himself

of the opportunity it presents to evince the friendly disposition of his government towards the United States.

There is one other remaining circumstance, only, to which I wish to call your attention, and that relates to general Matthews himself. His gallant and meritorious services in our revolution, and patriotic conduct since, have always been held in high estimation by our government. His errors in this instance are imputed altogether to his zeal, to promote the welfare of his country; but they are of a nature to impose on the government the necessity of the measures now taken, in giving effect to which, you will doubtless feel a disposition to consult, as far as may be, his personal sensibility.

I have the honor to be, &c.

(Signed) JAMES MONROE.

P. S.—Should you find it impracticable to execute the duties designated in the above requests, you will be so good as to employ some respectable character to represent you in it, to whom you are authorised to allow a similar compensation. It is hoped, however, that you may be able to attend to it in person, for reasons which I need not enter into. The expence to which you may be exposed, will be promptly paid to your draft on this department.

The Secretary of State to D. B. Mitchell, governor of Georgia.

DEPARTMENT OF STATE, May 27, 1812.

SIR,—I have had the honor to receive your letter of the 2nd instant, from St. Mary's, where you had arrived in discharge of the trust reposed in you by the president, in relation to East Florida.

My letter by Mr. Isaacs, has, I presume, substantially answered the most important of the queries submitted in your letter; but I will give to each a more distinct answer.

By the law, of which a copy was forwarded to you, it is made the duty of the president to prevent the occupation of East Florida, by any foreign power.—It follows that you are authorised to consider the entrance, or attempt to enter, especially under existing circumstances, of British troops of any description, as the case contemplated by law, and to use the proper means to defeat it.

An instruction will be immediately forwarded to the commander of the naval force of the U. States, in the neighborhood of East Florida, to give you any assistance, in case of emergency, which you may think necessary, and require.

It is not expected, if you find it proper to withdraw the troops, that you should interfere to compel the patriots to surrender the country, or any part of it, to the Spanish authorities. The United States are responsible for their own conduct only, not for that of the inhabitants of East Florida. Indeed, in consequence of the compromitant, of the United States to the inhabitants, you have already been instructed not to withdraw the troops, unless you find that it may be done consistently with their safety, and to report to the government the result of your conferences with the Spanish authorities, with your opinion of their views, holding in the mean time the ground occupied.

In the present state of our affairs with Great Britain, the course above pointed out is the more justifiable and proper.

I have the honor to be, &c.

(Signed) JAMES MONROE.

General Assembly of Connecticut.

REPORT

Of the General Assembly of Connecticut.

AT THEIR SPECIAL SESSION, AUGUST 25, 1812,

On that part of his excellency the governor's speech, which relates to his correspondence with the secretary of war, &c.

The committee appointed to take into consideration, that part of his excellency the governor's message which relates to his correspondence with the secretary of war and major-general Dearborn, respectfully report:

That their attention has been devoted to the important subject committed to them, with all that care and deliberation which its magnitude demands, and which his excellency the governor solicits, to the end that "if any errors have been committed, they may at this time be corrected."

The committee consider it as of the highest importance, that no ground should be taken, on this subject, but that which is strictly constitutional, and that, being taken, it should be maintained at every hazard.

The documents and correspondence which are the subject of consideration being already in the hands of every member of the legislature, it becomes unnecessary to state their contents. The committee would refer to those documents.—Under a law authorising a detachment of militia to be called into the service of the United States, "*in all the exigencies provided by the constitution.*" the quota of this state has been demanded "*to repel invasion.*" Invasion is the only exigency which is claimed to have occurred; and the only evidence of invasion, which has been furnished, or which is pretended to exist, is to be found in the letter of the secretary of war, to his honor lieutenant governor Smith, dated July 14, 1812; unless indeed, it is to be found in the evidence there referred to, viz. the declaration of war against Great Britain, which had prior to that time, been officially communicated to his excellency the governor. This appears to be the sole evidence relied upon to justify the demand of the militia; and the secretary of war, appears, by his letter above referred to, to be surprised that any other evidence should be required.

From this letter, as well as from the whole proceedings which have taken place, it is very apparent, that the claim set up by the administration of the government of the United States, is, that when a war has been declared to exist, between this and any foreign country, the militia of the several states are liable to be demanded, by the administration of the government of the United States, to be called into the service of the United States, to enter their forts, and there remain, upon the presumption, that the enemy *may* invade the place or places, which they are ordered to garrison and defend. And that for this purpose, they may be ordered to any part of the United States; for it will be remarked that no pretension is set up, that any more, or greater danger of invasion exists at New-London or New-Haven, than exists in any other place on the sea-coast.

It is true, that the secretary of war, after expressing his surprise that any other evidence should be required of imminent danger of invasion, after the declaration of war had been promulgated and officially communicated, does say, "that I am instructed by "the president to state to you that such danger actually exists." No *place* is pointed out, as in more danger of such invasion than any other. It all rests upon the danger apprehended, from the state of war.

If this claim is well founded, it will follow that there is no *constitutional* objection to the militia remaining in the service of the United States, during the continuance of the war. For, although the act of congress under which they are now called to serve, limits the period of service to six months, yet by the constitution, the United States have surely a right to the services of the militia, during the existence of the invasion, until it is effectually repelled. Upon the principle, that a state of war necessarily implies a state of invasion, or that imminent danger of invasion which the militia are obliged to meet and repel, congress *may* pass a law, by which their services shall be required during the continuance of the invasion, or in other words, during the continuance of war.

The war, in which this country is now unhappily engaged, has been declared by our own government. Not because the country is invaded, or threatened with invasion, but to seek redress and indemnification for injuries and wrongs of which we complain, by *invasion* and *conquest* of the territories of the enemy. It is not a *defensive*, but *offensive* war.

At the time when the demand was made for the militia, the war had been recently declared; it was not then even known to the nation against which it was declared. The invasion then existing, or cause of invasion then expected, must be presumed to last as long as the war shall last. It may be presumed to increase. Invasion of the territory of the enemy may be expected, when known to produce retaliation. If then the militia can be constitutionally required, to man the garrison of the United States, they may continue to be so required, as long as the danger continues to exist; and to become, for all the purposes of carrying on the war, within the United States, standing troops of the United States. And a declaration of war made by the administration of the government of the United States, and announced to the governors of the states, will substantially convert the militia of the states into such troops. Before it is agreed that the states have ceded such a power to the United States, the question ought to be examined with much attention.

On the fullest deliberation, your committee are not able to discover, that the constitution of the United States justifies this claim.

The people of this state were among the first to adopt that constitution—They have been among the most prompt to satisfy all its lawful demands, and to give facility to its fair operations—they have enjoyed the benefits resulting from the union of the states; they have loved, and still love, and cherish *that* union, and will deeply regret, if any events shall occur to alienate their affection from it. They have a deep interest in its preservation, and are still disposed to yield a willing and prompt obedience to all the legitimate requirements of the constitution of the United States.

But it must not be forgotten, that the state of Connecticut is a FREE, SOVEREIGN and INDEPENDENT state; that the United States are a *confederacy* of states; that we are a confederated and not a consolidated republic.—The governor of this state is under a high and solemn obligation, "*to maintain the lawful rights and privileges thereof, as a sovereign, free and independent state*," as he is "*to support the constitution of the United States*," and the obligation to support the latter, imposes an additional obligation to support the former. The building cannot stand, if the pillars upon which it rests, are impaired or destroyed. The same constitution, which delegates powers to the general government, inhibits the exercise of powers, not delegated, and reserves those powers to the states respectively. The power to use the militia "to execute the laws, suppress insurrections and repel invasions," is granted to the general government. All other power over them is reserved to the states. And to add to their security, on the all important subject of their militia, the power of appointing their officers is *expressly* reserved. If then the administration of the general government demand the militia, when neither of the exigencies provided for by the constitution have occurred, or to be used *for purposes* not contemplated by that instrument, it would be not only the heighth of injustice to the militia, to be ordered into the service of the United States, to do such duty, but a violation of the constitution and laws of this state, and of the United States. Once employed in the service of the United States, the militia would become subject to the articles of war, and exposed to be punished with death, if they should leave a service, which by the constitution of their country, they are not bound to perform.

From an attentive consideration of the constitution and laws of the United States, it is evident to the committee, that the militia of the several states are to be employed by the United States, for the purpose only of performing special services, in cases where no other military force could be conveniently had or properly exercised; and when those services are performed, they are to return to their several homes. The committee cannot believe, that it was ever intended that they should be liable, on demand of the president upon the governor of the state, to be ordered into the service of the United States, to assist in carrying on an offensive war. They can only be so employed, under an act of the legislature of the state, authorising it. On the expediency of passing such a law, or adopting any measures which the war may render necessary, the committee do not consider it is as within their commission to decide.

If congress, or the president of the United States shall apply to this state, to furnish troops to assist in carrying on the war, the request will doubtless meet with the attention which it will merit.

The committee will only take the liberty to remark, that, should the manner in which the war is waged or prosecuted, induce the enemy to retaliate, by an actual invasion of any portion of our territory, or should we be threatened with invasion, or attack from any enemies, the militia will always be prompt and zealous to defend their country.

The government of this state, as it ever has been, so it will continue to be, ready to comply with all constitutional requisitions of the general government. Faithful to itself and posterity, it will be faithful to the United States.

The committee, on a full view and deliberate consideration of the subject referred to them, are of opinion, that the conduct of his excellency the governor, regarding the same, has been regulated by a strict regard to the rights and interests of this state and the militia thereof, as well as to the constitution of the United States, and ought to be approved; for which, the committee have prepared a resolve, which is herewith presented.

All which is respectfully submitted.

General Assembly, special session,
August, 1812.

(Signed per order) CALVIN GODDARD.

In the house of representatives, the foregoing report is accepted and approved.

Attest, CHARLES DENISON, *Clerk.*

Concurred in the upper house.

Attest, THOMAS DAY, *Secretary.*

Resolved, That the conduct of his excellency the governor, in refusing to order the militia of this state into the service of the United States, on the requi-

sition of the secretary of war and major-general Dearborn, meets with the entire approbation of this assembly.

General Assembly special session,
August, 1812.

Passed in the House of Representatives.
Attest, CHARLES DENISON, *Clerk.*

Concurred in the Upper House.
Attest, THOMAS DAY, *Secretary.*

DECLARATION OF THE GENERAL ASSEMBLY.

At their special session, Aug. 25, 1812.

The legislature of the state of Connecticut, convened to consult the welfare, and provide for the defence of the state, at this interesting and eventful period, avail themselves of the opportunity thus afforded to declare and resolve,

That while some of their sister states offer assurances of their unqualified approbation of the measures of the general government, in respect to our foreign relations, we confidently trust that the motives which influence us to declare what we believe to be the deliberate and solemn sense of the people of this state, on the question of the war will be justly appreciated.

The people of this state view the war as unnecessary.

Without pretending to an exclusive or superior love of country to what is common to their fellow-citizens, or arrogating a pre-eminence in those virtues which adorn our history, they yield to none in attachment to the union or veneration of the constitution. The Union, cemented by the blood of the American people, is endeared to our best affections, and prized as an invaluable legacy bequeathed to us and our posterity by the founders of our empire.

The people of this state were amongst the first to adopt the constitution. Having shared largely in its blessings, and confidently trusting that under the guardianship of the people and of the states, it will be found competent to the objects of its institution, in all the various vicissitudes of our affairs, they will be the last to abandon the high hopes it affords of the future prosperity and glory of our country.

These sentiments of attachment to the union, and to the constitution, are believed to be common to the American people, and those who express and disseminate distrusts of their fidelity to both or either, we cannot regard as the most discreet of their friends.

Unfortunately our country is now involved in that awful conflict which has desolated the fairest portion of Europe. Between the belligerents, Great Britain is selected for our enemy. We are not the apologists of the wrongs of foreign nations—we enquire not as to the comparative demerits of their respective decrees and orders.—We will never deliberate on the choice of a foreign master. The aggressions of both nations ought to have been met at the onset by a system of defensive protection commensurate to our means, and adapted to the crisis. Other counsels prevailed, and that system of commercial restrictions, which before had distressed the people of Europe, was extended to our country.—We became parties to the continental system of the French emperor. Whatever its pressure may have been elsewhere, on our citizens it has operated with intolerable severity and hardship.

In the midst of these sufferings, war is declared, and that nation of the two is selected as a foe which is capable of inflicting the greatest injury. In this selection we view with the deepest solicitude, a tendency to entangle us in an alliance with a nation which has subverted every republic in Europe, and whose connections, wherever formed, have been fatal to civil liberty.

Of the operation of her decrees on the American commerce, it is not necessary here to remark. The repeal of them promulgated in this country since the declaration of war, virtually declares that the American government was not to be trusted. Insult is thus added to injury.

Should a continuance of this war exclude our seafaring and mercantile citizens from the use of the ocean, and our invaluable institutions be sacrificed by an alliance with France, the measure of our degradation and wretchedness would be full.

War, always calamitous, in this case portentous of great evils, enacted against a nation powerful in her armies, and without a rival on the ocean, cannot be viewed by us but with the deepest regret. A nation without fleets, without armies, with an impoverished treasury, with a frontier by sea and land extending many hundred miles, feebly defended, waging a war, hath not "*first counted the cost.*"

By the constitution of the United States, the power of declaring war, is vested in congress.—They have declared war against Great Britain.—However much this measure is to be regretted, the general assembly, ever regardful of their duty to the general government, will perform all their obligations resulting from this act. With this view they have at this session, provided for the more effectual organization of the military force of the state, and a supply of the munitions of war. These will be employed, should the public exigencies require it, in defence of this state and of our sister states, in compliance with the constitution; and it is not to be doubted but that the citizens of this state will be found, at the constitutional call of their country, among the foremost in its defence.

To the United States is delegated the power to call forth the militia to execute the laws, to suppress insurrection, and repel invasion. To the states respectively is reserved the entire control of the militia, except in the cases specified. In this view of that important provision of the constitution, the legislature fully accord with the decision of his excellency the governor, in refusing to comply with the requisition of the general government for a portion of the militia. While it is to be regretted that any difference of opinion on that subject should have arisen, the conduct of the chief magistrate of this state, in maintaining its immunities and privileges, meets our cordial approbation. The legislature also entertain no doubt that the militia of the state will, under the direction of the captain-general, be ever ready to perform their duty to the state and nation in peace or war. They are aware that in a protracted war, the burden upon the militia may become almost insupportable, as a spirit of acquisition and extension of territory appears to influence the councils of the nation, which may require the employment of the whole regular forces of the United States in foreign conquest, and leave our maritime frontier defenceless, or to be protected solely by the militia of the states.

At this period of anxiety among all classes of citizens, we learn with pleasure, that a prominent cause of the war is removed by a late measure of the British cabinet. The revocation of the orders in council it is hoped will be met by a sincere spirit of conciliation on the part of our administration, and speedily restore to our nation the blessings of a solid and honorable peace.

In the event of the continuance of the war, the legislature rely on the people of Connecticut, looking to HIM who holds the destinies of empires in his hand, for aid, to maintain those institutions which their venerable ancestors established, and to preserve

inviolate those invaluable privileges which their fathers acquired, and which are consecrated by their blood.

Passed in the House of Representatives.
Attest, CHARLES DENISON, *Clerk.*
Concurred in the Upper House.
Attest, THOMAS DAY, *Secretary.*
General Assembly, *August*, 1812.

☞ The legislature of Connecticut have voted to raise for state service, 2 regiments of infantry, 4 companies of artillery, and 4 companies of cavalry —— to purchase 3000 stand of arms, and eight field pieces—and accept of volunteer companies to defend the harbors.

British Proclamation.

By ISAAC BROCK, *esq. major-general commanding his majesty's forces in the province of Upper Canada, a Proclamation.*

WHEREAS the territory of Michigan was this day, by capitulation, ceded to the arms of his Britannic majesty, without any other condition than the protection of private property; and wishing to give an early proof of the moderation and justice of the government, I do hereby announce to all the inhabitants of the said territory that the laws heretofore in existence shall continue in force until his majesty's pleasure be known, or so long as the peace and safety of the said territory will admit thereof.—And I do hereby also declare and make known to the said inhabitants that they shall be protected in the full exercise and enjoyment of their religion, of which all persons, both civil and military, will take notice and govern themselves accordingly.

All persons having in their possession, or having any knowledge of any public property, shall forthwith deliver in the same, or give notice thereof to the officer commanding, or lieutenant colonel Nichol, who are hereby authorised to receive and give proper receipts for the same.

Officers of the militia will be held responsible that all arms in possession of the militia men be immediately delivered up; and all individuals whatever, who have in their possession arms of any kind, will deliver them up without delay. Given under my hand, at Detroit, this 16th day of August, 1812, and in the 52d year of his majesty's reign.

(Signed) ISAAC BROCK, *Major-General.*

A true copy.
J. MACDONELL, *Lt. Col. Militia & A. D. C.*

Events of the War.

MILITARY.

We are yet without particulars of Hull's surrender.

Governor Harrison and colonel John P. Boyd, heroes of Tippacanoe, have been appointed brigadier-generals in the army of the United States. The former, it is stated, will have a command of the troops assembling at Urbanna, Ohio. The latter is commander in chief in the states of New Hampshire, Massachusetts, Rhode-Island and Connecticut.

Indications of a movement of the army.—Messrs. C. Seldom and Brothers, of Troy, advertise for four hundred waggons immediately to take on loading [baggage &c. of the army,] from Troy to Whitehall, on lake Champlain.

The Jersey regiment, nearly 800 strong, have struck their tents at Fort Richmond or Staten island, and embarked for Albany. Their place is supplied by 800 militia from New-York and 500 from New-Jersey. All the works for the defence of New-York appear to be fully manned.

The citizens of Albany, receiving a new impulse of patriotism by the surrender of general Hull, have commenced a subscription for raising a *regiment* of volunteers—and very liberal subscriptions have been made for the comfort and convenience of the brave spirits who may offer their service.

Baltimore is about to sent forth a considerable body of volunteers to *Canada*, and the most ample funds are provided from the liberal purses of our citizens, to supply them with every necessary to their leaving home. About fifteen thousand dollars have been subscribed for this purpose, and any reasonable sum may be obtained in addition if the service shall require it. Several gentlemen subscribed $500 each.

A part of the 12th reg. U. S. infantry about 300 strong, under the command of colonel Parker, passed through Williamsport (Md.) on the 31st ult. on their way to the north, and were handsomely received and very kindly treated, by the inhabitants of that village.

The governor of *Kentucky* learning the critical situation of general Hull, determined to send a reinforcement of volunteers to general Payne, so as to make his whole force 3,400 strong. He also appointed governor *Harrison* a major general, to have the command of the Kentucky troops, by brevet,* a procedure extremely well calculated to give confidence to the army of that state in the field. Richard M. Johnson, a member of congress from Kentucky, proposed to raise six companies (500 men) of *mounted* infantry, volunteers, to march immediately for Detroit—and to trust to the liberality and justice of congress for indemnification. A meeting was to be held at Georgetown on the 31st ult. and from the spirit of Kentucky, though the *proposition* was made only on the 25th of the same month, we venture to say that this body of men is in the field—perhaps at Urbanna, or beyond it. Major-general Harrison left Lexington on the 29th ult. to join the army in Ohio —Colonel Poague's regiment of 500 mounted riflemen were prepared to march. The augmentation of the troops and the appointment of Harrison, was the last act of good old general *Scott*, as governor of Kentucky—his venerable fellow soldier who succeeded him, colonel *Shelby*, on coming into office, made a further augmentation of the troops; so that the whole force from Kentucky, marched to Ohio and the Indiana territory, will amount to 6000 men, in actual service. These things will never be forgotten.

At the requisition of major gen. Pinkney, the governor of Georgia has ordered 1000 militia into immediate service.

Colonel Coles, with about 300 men from Fredericksburg, Virginia, has marched for the northward.

With much satisfaction we learn, although an attack upon the Indiana territory is expected by the allied army of British and savages, that the state of the military force is such as to warrant a full belief they will fail. On the 18th ult. nine full companies were on duty at *Vincennes*, and 300 volunteers from Kentucky immediately expected. *Tecumseh* commands under his *excellency* maj. gen. Brock.

In the late skirmishes many English fought with the Indians, painted and dressed like the savages

It is stated that forts Wayne and Dearborne have been captured by the *allied* forces. We expect to hear a dreadful tale of murder,

The town of Alexandria is about sending out a company of volunteers—a sufficient number of young men have already offered, and $2000 have been

* When an officer is appointed, *(ad interim)* "by brevet" he does not receive pay for the *office so held.* This note is added for the instruction of our youthful readers.

raised, with the prospect of trebling the sum if required. The Herald says "that the disgraceful surrender of Hull has done more for the success of the war than the capture of 10,000 British regulars." We fully subscribe to the truth of this observation. The spirit of the people is awaking from the lethargy of thirty years peace.

"In peace there's nothing so becomes a man
"As modest stillness and humility.
"But when the blast of war blows in our ears,
"Then imitate the action of the tyger,
"Stiffen the sinews—summon up the blood;
"Disguise fair nature with ill-favor'd rage,
"And lend the eye a terrible aspect"——

Fifteen hundred men are *immediately* to march from Virginia for the western country, to rendesvous at Point Pleasant, on the Ohio. At Richmond, ladies of the first distinction *volunteered* their services to make knapsacks, tents &c. for the soldiers, and in four or five days all things were ready. The governor concludes his general orders by a nervous and very elegant address, which is laid off for record. The citizens of Richmond liberally subscribed a very handsome sum to provide all conveniences for the troops.

Four companies of the Republican Greens of the city of New-York have volunteered their services to the governor and will march for the frontiers in a few days. We believe the Greens are all natives of Ireland, or of Irish descent.

NAVAL.

Extract of a letter from commodore (Lt.) Woolsey to his father, general Woolsey—dated,

"August 2, 1812—The schooner *Lord Nelson*, about 60 tons, was armed with the thirty-two pounder, and two six pounders, sent by captain CHAUNCEY. She was put under the command of captain DIXON, and sent down to *Ogdensburg*, to convoy seven schooners to *Sacket's* harbor. As she came to the narrows, about 11 miles above *Ogdensburg*, she made to, and hailed a smack boat of six men. *They* gave no answer, but pulled off.—*They* fired a shot ahead, but they did not mind it. The *Lord Nelson* having forty-two men on board, gave them a discharge and killed four; the other two leaped overboard and swam ashore.—The *Earl Moira*, 16 thirty-two pounders, and the *Duke of Gloucester*, then came out to take them, but shameful to *Britain* did not succeed. They fired one broad-side, but did no harm—Captain Dixon then played on them with our 32 and both 6's beat them off, and even drove them under their fort at *Elizabeth-town*. Captain Dixon fired the 32 pounder about 100 times at their vessels, their battery, and the town. He was positive he did very great damage to the brig and schooner. He could distinctly hear them *screach* and see splinters fly nearly mast high, almost every shot. My brother is going to attack the *Royal George*."

COMMODORE RODGERS' SQUADRON.

Boston, September 1.

Yesterday arrived in this harbor, the U. States ships President 44, com. Rodgers; United States 44, capt. Decatur; Congress 36, capt. Smith; Hornet 16, capt. Lawrence; and brig Argus 16, capt. Sinclair; the whole of the squadron which sailed from New-York on the 21st of June, under com. Rodgers.

"Sailed from New-York June 21—The 23d, 6, A. M. discovered, and gave chase to an English frigate, supposed to be the Belvidere. The superiority of the President's sailing, while the breeze continued fresh, enabled her to get within gun shot between 4 and 5, P. M. when it had moderated so much as to give very faint hopes of getting along side. At this time perceiving she was training her guns to bear upon the President, the latter commenced a fire at her spars and rigging, with the view to cripple an get a breast of her. A fire was kept up about two hours. The President gave her two or three broadsides, and kept up a well directed fire from the chase guns which cut her sails and rigging very much, but did not succeed in destroying any of her spars although some of them were much wounded. The President all this time was exposed to a running fire from her 4 stern chasers; and once the British frigate commenced a fire from her main deck, with an intention of raking the President with a broadside, but at that moment receiving one from the President, continued her course under a press of sail, and used only her stern guns. All sail was crowded in pursuit, but in vain. The chase was now throwing overboard every thing that could be spared, to increase her sailing, and escaped by lightness of the wind. Four of her boats were seen floating by the President, completely knocked to pieces, together with a great number of casks, spars, &c. and it was supposed most of the guns were also thrown overboard.

The President received a considerable number of shot in her sails and rigging, but was not materially injured. The chase was continued till about midnight, when it was relinquished as hopeless, and the President hove too for the squadron to come up.—Early in the chase, one of the President's chase guns, on the gun deck, burst, and injured the upper deck so much, as to prevent the use of the chase guns on that side for a considerable time. The President had three killed, and nineteen wounded, most of the latter slightly; of the wounded, 16 were by the bursting of a gun. It was by the same gun com. Rodgers had his leg fractured, but has recovered.

The squadron afterwards pursued the Jamaica fleet, but owing to uncommonly foggy weather missed them, although at times very near."

The squadron has been off the English channel, then along the coast of France, Spain and Portugal, within 30 miles of the rock of Lisbon—then made Madeira Island—then off Coro and Floros—then back to the Banks—and by Nova Scotia to Boston.

Many of the seamen of the squadron are sick of the scurvy. Several have died. About 120 English prisoners are on board.

We understand the seamen stated to have been impressed from a Portuguese brig *entered voluntarily*.

PRESIDENT AND BELVIDERA.

COPIES OF LETTERS FROM CAPT. HULL TO THE SECRETARY OF THE NAVY.

United States' frigate Constitution, August 28, 1812.

SIR,—The enclosed account of the affair between the President, commodore Rodgers, and the British frigate Belvidera, fell into my hands by accident! It clearly proves that she only escaped the commodore by superior sailing, after having lightened her, and the President being very deep.

As much has been said on this subject; and commodore Rodgers has not arrived, to give you his statement of the affair, if it meet your approbation I should be pleased to have this account published to prevent people from making up their minds hastily, as I find them willing to do.

I am confident could the commodore have got alongside the Belvidera, she would have been his, in less than one hour.

I have the honor to be, with great respect, sir, your obedient servant,

ISAAC HULL.

The honorable Paul Hamilton, &c.

An account of the proceedings of his majesty's ship Belvidera, Richard Byron, Esq. captain, 23d day of June, 1812.

A. M. 4, 40, Nantucket Shoal, bearing S. W. saw several sail, made sail towards them, at 6, 30, they

bore S. W. S. made them out to be three frigates, one sloop, and one brig of war, standing to the S. E. under a press of sail. Observed them to make signals, and haul up in chase of us, hauling down their steering sails, in a confused and irregular manner. Tacked ship, and made the private signal which was not answered, made all sail possible. N. E. by E. at 8 moderate and fine weather, the headmost ship of the chase S. S. W. 1-3 W. apparently gaining ground on us at times, and leaving her consorts. At 11, 30, hoisted our colors, and pendant, the chase hoisted American colors, two of them hoisted commodores broad pendants, at noon the commodore and the second headmost ship of the chase S. W. 3-4 W. about 2 and 3-4 of a mile, Nantucket Shoal N. 4 00. E. 48 miles, moderate and fine weather, cleared ship for action, commodore of chase gaining, the other ships dropping, observed the chase pointing her guns at us, at 3 30, the commodore fired three shots, one of which struck the rudder coat, and came into the after gun-room, the other two came into the upper, or captain's cabin, one of which struck the muzzle of the larboard chase gun, the other went through the beam under the skylight, killed William Gould (seaman); wounded, John Hill, (armourer) mortally; Joseph Lee, (sea.) severely; George Marlon, (ships corporal) badly; lieutenant Bruce and James Kelly, and James Larmont, (sea.) slightly. At 3 45, commenced firing with our stern guns, shot away her larboard lower steering sail, keeping our ship a steady course N. E. by E. at 4 the chace bore up and fired her larboard broadside, which cut our rigging, and sails much, the long bolts, breeching hooks, and breechings of the guns and cannonades frequently breaking (by one of which captain Byron was severely wounded in the left thigh) all of which was instantly replaced. Kept up a constant fire, which was returned by our opponent with bow chase guns, and at times by her broadsides, which by her superiority of sailing, she was enabled to do till 6 45, when we cut away our spare sheet, and shall bower anchors, barge, yawl and jolly boats, and started 14 tons of water; we then gained on him, when he bore up and fired three broadsides; part of which fell short of us, at 7 opponent ceased firing, and the second frigate commenced but finding her shot fall short, ceased again. Employed fishing our cross-jack yard, and main topmast (both badly wounded) knotting and splicing our rigging, which was much cut and damaged. At 11 altered our coure to E. by S. 1-4 S. and lost sight of our opposents.*

* The following is the *American* account of the same action, as communicated to the editor of the *Boston Centinel*, by an officer of the squadron.

Ed. Reg.

The running fight between the *President* and *Belvidera*, is thus stated.—The latter was descried on the 23d, *June*, when the squadron gave chase. The *President*, by superiority of sailing got within gun shot of the *Belvidera*, between 4 and 5 o'clock, P. M. when finding the breeze which had enabled the *President* to overhaul the chase was moderating, and that the chase was preparing to fire on the *President*, the latter commenced firing for the purpose of crippling the spars of the *Belvidera*, in order to come up with her. The fire was kept up two hours; the *President* yawing, and firing two or three broadsides to effect her object, and keeping up a constant fire of the chase guns, which though it cut the sails and rigging, did not stop the way of the *Belvidera*, which, as the wind became light, was accelerated by her crowding all sail, starting her water, cutting away her anchors, and by staving and throwing over her boats. The chase continued until near midnight; during which the *Congress* frigate came so near the *Belvidera* as to fire three or four shot at her. The *Hornet*, as reported, had no share in the firing. Early in the chase a very serious accident occurred on board the *President*: one of the forward guns, in being fired burst, tore up the deck, killed several seamen, and wounded 11 or 12 others—among whom was commodore Rodgers, who had stepped forward to direct the firing of the chase guns, and who was blown up, and in the fall had the bone of his leg fractured. He has since recovered. This accident also prevented the chase guns being used for some time. The loss of the *President* we have not accurately ascertained. We understand 4 were killed by the bursting of the gun, and 3 by the shot of the *Belvidera*; and 19 were wounded, mostly slightly, and by the bursting of the gun.

United States' frigate Constitution, off Boston Light, August 28, 1812.

Sir—I have the honor to inform you, that after leaving Boston Light on the 2d inst. the date of my last letter to you, I stood to the eastward along the coast, in hopes to fall in with one of the enemy's frigates, which was reported to be cruizing in that direction, the day before I left Boston. I passed near the coast, as far down as the bay of Fundy, but saw nothing. I then run off Halifax and cape Sables, and remained near there for three or four days without seeing any thing, which made me determine to change my situation to the eastward towards Newfoundland. I accordingly bore up, and run to the eastward under all sail, passing near the Isle of Sables, and hauling in to take a station off the Gulph of St. Lawrence, near cape Race, to intercept the ships of the enemy bound either to or from Quebec, or Halifax, to be in a situation to re-capture such of our vessels as they might be sending in.

On the 10th inst. being off cape Race, I fell in with a light merchant brig, bound to Halifax from Newfoundland; and as she was not worth sending in, I took the crew on board and set her on fire. On the 11th, I fell in with the British brig Adeona, from Nova-Scotia, bound to England, loaded with timber. I took the crew out of her and set her on fire, and made sail to take a station nearer cape Race, where we continued cruising until the morning of the 15th, at day-light; when five sail were in sight ahead of us, apparently a small convoy. I gave chase under a press of sail, and soon found that we gained on them very fast, and discovered that one of them was a ship of war; at sun-rise they tacked, and stood on the same tack with us. By this time we could plainly discover that the ship of war had a brig in tow.—At 6, coming up very fast with the ship, and could see that she had cast off the brig that she had in tow, and had set her on fire, and had ordered a second brig to stand before the wind to seperate them. The ship of war making sail to windward, I gave chace to a ship which appeared to be under her convoy; but when we came up with her, she proved to be a British ship, prize to the Dolphin privateer, of Salem. She had been spoken by the ship of war, but we came up with them before they had time to put men on board and take charge of her. Whilst our boats were boarding this vessel, the ship of war had got nearly hull down from us; and understanding from one of the prisoners that she was a very fast sailer, I found it would not be possible to come up with her before night, or perhaps not then; I therefore gave chase to the brig that run before the wind, determined to destroy all his convoy, we soon found we came fast up with the brig, and that they were making every exertion to get off by throwing overboard all the lumber, water casks, &c.

At 2 P. M. we brought to the chase, and found her to be the American brig Adeline, from Liverpool, loaded with dry goods, &c. took the prize-master and crew out and put midshipman Madison and a crew on board, with orders to get in the nearest port she could make. From the prize master of this vessel I learnt that the brig burnt by the sloop of war belonged to New-York, and was loaded with hemp, duck, &c. last from Jutland, having gone in there in distress.

Having chased so far to the eastward as to make it impossible to come up with the sloop of war, I determined to change my cruising ground, as I found by some of the prisoners that came from this vessel, that the squadron that chased us off New-York, were on the western edge of the Grand Bank, not far distant from me. I accordingly stood to the southward, intending to pass near Bermuda, and cruise off our southern coast———Saw nothing till the night of the 18th, at half past 9, P. M. discovered a sail very near us, it being dark; made sail and gave chase, and could see that she was a brig. At 11 brought her too, and sent a boat on board, found her to be the American privateer Decatur, belonging to Salem, with a crew of one hundred and eight men and 14 guns, twelve of which she had thrown overboard whilst we were in chase of her. The captain came on board, and informed me that he saw the day before a ship of war standing to the southward, and that she could not be far from us; at 12 P. M. made sail to the southward, intending, if possible to fall in with her. The privateer stood in for Cape Race, intending to cruise there, and take ships by boarding, as he had lost all his guns but two. The above is a memorandum of what took place on board the Constitution, under my command, from the time we left Boston up to the 18th inst. which I hope will meet your approbation.

I have the honor to be,
With great respect,
Sir, your obedient servant,
ISAAC HULL.

The Hon. PAUL HAMILTON,
Secretary of the Navy, Washington City.

DESTRUCTION OF THE GUERRIERE.

United States' frigate Constitution,
off Boston Light, August 30, 1812.

SIR—I have the honor to inform you that on the 19th inst. at 2 P. M. being in lat. 41, 41, and long. 55, 48, with the Constitution under my command, a sail was discovered from the mast-head, bearing E. by S. or E. S. E. but at such a distance we could not tell what she was. All sail was instantly made in chase, and soon found we came up with her. At 3 P. M. could plainly see that she was a ship on the starboard tack under easy sail, close on a wind—at half past 3 P. M. made her out to be a frigate—continued the chase until we were within about 3 miles, when I ordered the light sails taken in, the courses hauled up and the ship cleared for action.———At this time the chase had backed her maintop sail, waiting for us to come down. As soon as the Constitution was ready for action, I bore down with an intention to bring him to close action immediately; but on our coming within gun shot, she gave us a broad side, and filled away, and wore, giving us a broadside on the other tack, but without effect, her shot falling short. She continued wearing and manœuvring for about three quarters of an hour, to get a raking position—but finding she could not, she bore up and run under her topsails and gib, with the wind on the quarter. I immediately made sail to bring the ship up with her, and 5 minutes before 6 P. M. being alongside within half pistol shot, we commenced a heavy fire from all our guns, double-shotted with round and grape, and so well directed were they, and so warmly kept up, that in 15 minutes his mizen-mast went by the board and his main-yard in the slings, and the hull, rigging and sails very much torn to pieces. The fire was kept up with equal warmth for 15 minutes longer, when his mainmast and foremast went, taking with them every spar, excepting the bowsprit; on seeing this we ceased firing, so that in thirty minutes after we got fairly alongside the enemy, she surrendered, and had not a spar standing, and her hull below and and above water so shattered, that a few more broadsides must have carried her down.

After informing that so fine a ship as the Guerriere, commanded by an able and experienced officer, had been totally dismasted and otherwise cut to pieces, so as to make her not worth towing into port, in the short space of 30 minutes, you can have no doubt of the gallantry and good conduct of the officers and ship's company I have the honor to command. It only remains, therefore, for me to assure you, that they all fought with great bravery; and it gives me great pleasure to say, that from the smallest boy in the ship, to the oldest seaman, not a look of fear was seen. They all went into action, giving three cheers, and requesting to be laid close alongside the enemy.

Enclosed I have the honor to send you a list of killed and wounded on board the Constitution, and a report of the damages she sustained—also a list of killed and wounded on board the enemy, with his quarter bill, &c.

I have the honor to be,
With very great respect,
Sir, your obedient servant,
ISAAC HULL.

The Hon. PAUL HAMILTON, &c. &c.

Return of killed and wounded on board the United States' frigate Constitution, Isaac Hull, esq. captain, in the action with H. M. S. Guerriere, J. R. Dacres, esq. captain, on the 20th day of Aug. 1812.

KILLED.

William S. Bush, 1st lieutenant of marines; Jacob Sago, seaman; Robert Brice, do.; John Brown, do.; James Read, do.; Caleb Smith, do.; James Ashford, do.

WOUNDED.

Charles Morris, 1st lieutenant, dangerously; John C. Aylwin, master, slightly; Richard Dunn, seaman, dangerously; George Reynolds, ordinary seaman, dangerously; Daniel Lewis, do. dangerously; Owen Taylor, do. do.; Francis Mullen, marine, slightly.

RECAPITULATION.

Killed.—One lieutenant of marines, and six seamen—Total killed, 7.

Wounded.—Two officers, four seamen and one marine—Total wounded, 7.

List of the killed and wounded on board the Guerriere.

WOUNDED.

Jas. R. Dacres, captain; Bartholomew Kent, lieutenant; Robert Scott, master; Samuel Grant, master's mate; James Enslie, midshipman; John Little, seaman; James Miller, ordinary seaman; Henry Verderie, do.; Hugh M'Kinley, do.; James Morris, seaman; T. Harrington, armorer; Wm. Mee, armorer's mate; Peter Stempstead, ordinary seaman; Peter Peterson, do.; Ralph Williams, do.; Henry Holt, do.; Wm. Somers, do.; Wm. Millington, do.; Pat. Murphy, qr. gun; J. Cromwell, qr. master; Mat. Reardon, ordinary seamen; John Campbell, do.; John Southgate, do.; Henry Dent, do.; Stephen Kelly, boy; John O'Hare, ordinary seaman; Philip Dwyer, do.; J. Smith, 3d. seaman; K. M'Donald, do.; Alex. Ferguson, ordinary seaman; George Meathers, seaman; James Crooker, do.; David Lewis, ordinary

seaman; John Hibbs, do.; Joseph Lushwood, do.; Robert Taylor, do.; George Reed, seaman; William Jones, ordinary seaman; D. M'Mecher, carpenter's crew; Wm. Cooper, seaman; Lawrence Norman, do.; G. Emmerson, sail-maker; J. Jameson, seaman; Wm. Hall, do.; John Bruntlot, do.; J. Sholer, boatswain's mate; R. Baily, 1st do.; J. Copeland, seaman; Samuel Miller, do.; Roger Spry, marine; John Fake, do.; Melchis Archer, do.; John Coss, do.; Edward Baking, do-; Wm. Cooper, do.; Samuel Long, do.; Thomas Chambers, do.; Joseph Fountain, do.; Wm. Ryan, do.; Thomas Couther, do.; John Robson, do.; Wm. Jones, do.

KILLED.

H. Ready, 2d lieutenant; J. Smith, 2d. gunner's mate; G. Griffiths, qr. gunner; J. Tuck, ordinary seaman; Wm. Baker, do.; Alex. Cowie, seaman; Richard Chusman, landsman; Wm. White, seaman; Henry Brown, ordinary seaman; Robert Rodgers, seaman; John Peterson, do.; Wm. Brown, 2d. do.; J. A. Fox, sergeant of marines; J. Woodcock, marine; T. Pratt, do.

MISSING.

James Johnson, Moses Vingen, Benj. Hinworth, James Greenwood, Wm. Cole, James Johnson, 3d. Corporal Webb, marine; John Griswell, J. M'Gill, James Batterwitch, Wm. Raysdon, Wm. Hammock, Robert Mittwoft, A. Joaquin, John Jacobs, lieutenant Jas. Pullman, Mr. Garton, John Newman, Robert Winn, James Guy, Robert Scott, lieutenant Roberts, John Flavitt, John Hosey.

Commodore *Rodgers* wishing to put to sea from Boston on the 4th inst. in quest of a British frigate, stated to be on the coast, requested of captain *Hull* the loan of sixty men. *Hull* communicated the request to his crew, and all, with one voice, volunteered their service. But the wind prevented him from leaving the port as desired, though the men requested, with their baggage, were on their way to the President in twenty minutes.

When captain Hull landed from the Constitution, he was received with every demonstration of affection and respect. The Washington Artillery posted on the wharf again welcomed him with a federal salute, which was returned from the Constitution. An immense assemblage of citizens made the welkin ring with loud and unanimous huzzas, which were repeated on his arrival in State street, and at the coffee house. The street was beautifully decorated with American flags.

Norfolk, September 3.—The schooner Hornet, a privateer fitted out of Baltimore, was run ashore 10 miles to the S. of Cape Henry, by a British man of war and bilged.

Government has issued orders for the release of all British prisoners, when there is opportunity of conveying them to a British place, and any officer to give a receipt for them.

An active exchange of prisoners between Boston and Halifax exists—we rejoice at the prompt return of our countrymen.

A splendid entertainment has been given by the citizens of *Boston*, of all parties, to capt. *Hull* and his officers, to which com. *Rodgers* and the officers of his squadron were invited. The citizens of *New York* have raised a sum of money for the purpose of purchasing swords to be presented to capt. *Hull* and the brave officers of his ship. The people of *Philadelphia* are raising funds to purchase two superb pieces of plate to be presented to capt. *Hull* and his first lieutenant the gallant Morris. In *Baltimore*, on Monday last, the flags of all vessels in the harbor were displayed, in honor of *Hull's* victory over the *Guerriere*, a salute was also fired. The *Constitution* was received at *Boston* with a federal salute, and three times three cheers from an immense crowd of the people.

The frigate *Constellation* has underwent a thorough repair at Washington, and will soon be at sea. The *Chesapeake* is also in a state of great forwardness to wipe off the stains of the murderous *Leopard*.

It is stated that a respectable naval force, under charge of a captain, acting as commodore, will be immediately established on the lakes; and that carpenters and workmen for the purpose have already set out.

A New-York paper states there are nineteen privateers belonging to that port, eleven of which are at sea. Among those lately fitted out, we observe the following—schrs. "*Orders in Council;*" *United we Stand;*" "*Divided we Fall;*" "*Spitfire;*" and "*Berlin and Milan Decrees.*"

The privateer *Bunker Hill* is said to be captured, by the British. Like the memorable place after which this vessel was named, she has cost the enemy more than the possession is worth. The Dolphin of Salem is also said to be taken, after having done her full duty. The brave fellows will soon return "to fight again;" we have plenty of Englishmen to exchange for them.

The needful repairs to the Constitution frigate will be immediately made, and commodore *Rodgers'* squadron is probably ready for sea. Assisted by Hull and his valiant crew, he will be glad to meet the British squadron, consisting of a 64 gun ship and three frigates, seen a few days ago off Nantucket.

The Rossie, of Baltimore, went into New-Port, (R. I.) on the 30th ult.—during the cruise, commodore *Barney* has captured fifteen vessels in all, 9 of which he burnt or sunk. The Rossie was only 45 days at sea—the vessels captured carried 2914 tons, had on board 166 men, and are estimated to have cost $ 1,280,000.

The Lewis, of New-London, 4 guns and 45 men, has been sent into Halifax; but previous to her capture she fell in with and seized a most valuable English ship of 8 guns, richly laden, for Quebec, which, if she arrives safe, will pay the privateers-men very abundantly for their losses.

HEROISM.—Among the many interesting incidents in the late action between the Constitution and the Guerriere, the following will contribute to shew the high spirit of our gallant tars. In the heat of the action, one of the crew of the Constitution, perceiving that the flag at the fore-top-mast-head had been shot away, went up and lashed it in such a manner as to make it impossible for shot to take it away without taking the mast with it. We understand that the secretary of the navy intends taking suitable notice of this brilliant act. *Nat. Intel.*

Extract from the Log-book of the privateer schooner Shadow, of Philadelphia.

On the 3d of August, at half-past meridian, discovered a sail, called all hands to quarters and made all necessary sail in chase. At half-past 5 P. M. came up with the chase and perceived she was a British man of war, in the square sail and stay-sail, and hauled by the wind; at the same time she tacked for us, commencing a brisk fire. At 8 P. M. lost sight of her.

On the 4th August, at half-past meridian, saw a sail to the eastward standing westward, made all necessary sail in chase.——At half-past 5 P. M. carried away the square-sail boom—cut the wreck adrift, rigged out the lower steering sail boom, and set the square-sail—again coming up with the chased. 'At 6 P. M. being within gun-shot, she commenced a firing from her stern guns. At 7 P. M. came up with

her, and commenced an action—at half-past 7, the ship hoisted a light in her mizzen rigging, which was answered by a light from us, at the same time hailed her. She hailed from Liverpool; when captain Taylor ordered him to send his boat on board board with his papers, which he in part complied with, by sending his boat with an officer and two men, whom we detained, and issued orders to man the boat with our crew, board the ship and demand her papers; which orders were delivered by Mr. Thomas Yorke, who received for answer, *that such orders would not be complied with*, at the same time handing him a note addressed to captain Taylor, purporting that his ship was a British letter of marque, called the May, from Liverpool, bound to St. Lucia, commanded by captain Affleck, mounting 14 guns and 50 men, he also stated that the orders in council had been rescinded, and a change of ministry taken place in England; which note was handed captain Taylor—when the boat was again sent on board, with a note from captain Taylor, demanding his papers—which were refused. At half-past 8 o'clock, a brisk fire commenced on both sides; during which time, William Craft, sail-maker, was wounded. At 10 P. M. dropped a-stern, with an intention of lying by all night within gun-shot; at intervals kept up a brisk fire; weather squally and dark.

At day-light, ranged up under her stern and commenced a severe action, when we received a shot in our starboard bow, which shattered the wooden ends, started the plank shear and broke several timbers—at half-past 7 A. M. another in our larboard bow, struck the larboard after gun carriage, killed Daniel Colemn, James Mahaffy, William Sharp, John North, George Cantler, Shepherd Bulsford, and wounded Timothy Cale, Francis Martin, William Pomroy.—At half-past 8 A. M. our commander received a ball in his left temple, which instantly terminated his existence, to the inexpressible regret of all hands.—About the same time a shot struck under the larboard fore chains between wind and water, which caused the vessel to make much water, having found three feet water in the hold upon sounding.

☞The Shadow has arrived at Philadelphia, been refitted and is again at sea.

Extract from the journal of the privateer brig Yankee.

August 1, 1812—At meridian continued in chase of a large English armed ship, distant about four miles upon the lee bow. At 1, P. M. we prepared for action, and run down upon her weather quarter, upon which the ship filled away and also prepared for action. We immediately fired our first division, the ship returned a broadside, and the action became general. The officers and marines poured into the enemy a full volley of the musquetry, and the three divisons at the same time gave her a broadside. We then bore way, run athwart his bows, gave him another broadside, which raked him fore and aft, and discharged all the small arms—During this time, however, the enemy kept up a well directed fire, shot away some of our rigging and wounded two of our seamen. But we soon destroyed the ship's running rigging and sails, killed the helmsman, and kept up so warm a fire of round, langrage, cannister and grape shot, musket balls, buck-shot and pistol bullets, that the enemy's ship became unmanageable and she came right down bows upon us. We instantly sheered off, gave her a full discharge of all our arms, both great and small, and prepared to board her with boarding pikes, muskets, cutlasses and pistols, when the enemy hauled down his colors. The firing then ceased, and we gave the enemy three cheers. Sent lieutenant Sweet, with an armed boat's crew on board and took possession of her. She proved to be the English letter of marque ship Royal Bounty, capt. Henry Gambles, 658 tons burthen, mounting 10 carriage guns, with powder, shot, muskets and pistols, navigated by 25 persons. She was from Hull, in ballast, seven weeks out, bound to Prince Edward's Island. On boarding her we found two men killed, the captain, his two mates, boatswain, cook and two seamen dangerously wounded; and that we had shot away nearly all her standing and running rigging, stove her boats, damaged her masts, spars and sails, and pierced her hull and bulwarks with innumerable shot, both great and small. Her mainsail received 158 shot of different kinds, her main-top-sail and all other sails were so completely cut to pieces as to be unservicable. Even her colors were penetrated with six musket shot.

We regret to state that two of our own seamen, viz—Aaron Mason, boatswain's first mate, and John Chace, quarter-master, were badly wounded in the neck and thigh, though not dangerously. The prisoners were taken on board the Yankee, and the wounded dressed by our surgeon.

The above action lasted upwards of an hour and most part of that time we were within pistol shot of the enemy.

American Prizes.

(CONTINUED FROM OUR LAST, PAGE 12.)

137. Ship Grenada, 11 guns, 30 men, *seven hundred* tons burthen, laden with 700 hhds. of sugar, with large quantities of cotton and coffee, from Point Petre Guadaloupe, for London, sent into Charleston, by the Young Eagle of New-York.

138. Schooner Shadock, also armed, from Antigua for Liverpool, laden with molasses, in company with the Grenada, sent into ditto by ditto. The Eagle carries but one gun and 42 men. She engaged the Grenada and Shadock at the same time, and in an hour and a half captured them both. The captain of the Shadock was killed and two of his men wounded; three men were wounded on board the ship—no person hurt belonging to the privateer.

139. Barque Diana, with a valuable cargo of rum, sugar, &c. worth 100,000 $ sent into Savannah, by the High Flyer of Baltimore.

140. Brig Roe-buck, with a full cargo of rum, from Grenada for Jersey, sent into Norfolk, by the Rosamond of New-York. The Roe-buck is a very valuable vessel, formerly belonging to the United States, but *peaceably* captured under the orders in council.

141. Ship GUERRIERE, capt. Dacres, of 49 guns and 302 men, captured by the United States' frigate Constitution after a very short action, in which the Englishman was so terribly mauled, having also lost his three masts, as to make it impossible to get him into port. The *Yankees* burnt him. See official account.

142. Brig Lady Warren, from St. Johns, taken by the frigate Constitution and burnt.

143. Brig Abona, from Nova Scotia for New Castle, Eng. taken by ditto and ditto.

144. Barque Harriet of Liverpool, from Maramachi, taken by ditto.

145. Brig Duchess of Portland, from New Castle for Pictou, taken by the squadron under commodore Rodgers and burnt.

146. Brig Traveller, from Quebec for New Castle, laden with spars, taken by ditto and ditto.

147. Brig ——— from Boco Coro, with 10,000 $ in specie, &c. the cash taken out and vessel ordered for the first port, captured by ditto.

148. Brig Henry, from Gibraltar, sent into Newport, R. I. by the Yankee of Bristol.

149. Ship Hopewell, 14 guns, 25 men, from Suri-

nam for London, burthen upwards of 400 tons, laden with 716 hhds of sugar, 54 do. molasses, 111 bales cotton, 260 bags and casks coffee and cocoa, captured by the Comet of Baltimore, and sent into that port after an obstinate engagement, in which one man was killed and 6 wounded on board the ship—two of the privateer's men were wounded. ☞ The Hopewell sailed from Surinam in co. with five other ships from which she parted but two days before—the Comet went in search of them, every sail set. The Hopewell is worth 150,000$. Her late captain bears the most honorable testimony of the bravery of the crew of the Comet.

150. Brig Hazard, from New Castle for Newfoundland, in ballast, burthen 238 tons, carrying 6 twelve pounders, an excellent vessel, first captured by the Dolphin of Salem—re-captured by the Æolus frigate, and sent into Boston by the U. States ship Wasp.

151. Schooner Forebe and Phoebe, sent into Portsmouth, N. H. by the Squando of that port.

152. Brig *Thetis*, by the Yankee of Bristol, burnt.*

153. Brig *Alfred*, by ditto and ditto.

154. Brig *Antelope*, by the Dolphin of Salem, sent into do.

155. Ship *Kitty*, by the Rossie of Baltimore, sent into an eastern port.

156. Schooner *Spunk*, by the Fair Trader of Salem, sent into ditto.

157. Schooner *Providence*, by the Wiley Reynard of New-York.

158. Ship Guayana, carrying 8 guns, burthen 300 tons, from Liverpool for New York, with salt, crates, &c. sent into Salem by the Dromo of Boston. This is an English ship and British property.

159. Barque Duke of Savoy, 8 guns, ——— sent into Salem by the Decatur of Newburyport. The Decatur having thrown over her guns when chased by the Constitution, re-armed herself from the prize.

160. Ship ———, with 600 hhds. sugar, sent into Philadelphia, by the Atlas of that port.

161. Ship Evergreen, sent into Salem, by the Dolphin of that port.

162. Brig New Liverpool, 4 guns, from Minorca for Quebec, with a full cargo of wine, sent into New York, by the Yankee of Bristol, R.I.

163. Ship Mary-Ann, from Jamaica for London, a very valuable vessel, carrying 12 guns and 18 men, deeply laden with sugar, &c. sent into Charleston by the High Flyer of Baltimore.

☞ We have just learnt that an officer of the U. States' frigate Essex, passed through this city on his way to Washington, who informs—that that frigate has arrived at New Castle, Del. from a cruise, after having captured a number of vessels, among which is a British sloop of war of 20 guns. We have no doubt of the truth of the above, though we are not acquainted with the particulars. The sloop of war, we learn, is the Alert, said to have had several vessels under convoy, on board of which were 500 troops—all were taken, and the Alert sent to Newfoundland as a cartel with prisoners.

The Constitution and Guerriere.

The capture of this *Englishman*, all things considered, is one of the most splendid atchievements in maritime history. It is an event eminently calculated to *astonish* all Europe, terror-stricken by the power of the British navy, and but little acquainted with the true character of the American seamen: yet it is such an event as *we* ever anticipated, if the opportunity was afforded of matching any of our vessels with *the best* of her class in "his majesty's" fleets. The *Guerriere* has long been the pride of Englishmen in this quarter of the world: She was one of the best found and best manned ships of the *enemy*; strong built and exceedingly powerful. Her captain wanted much to have a brush with commodore *Rodgers*, because he resisted and punished the impudence of the *Little Belt*; and he was at length gratified in his ardent desire of "*catching a yankee*"*—He told his crew, exultingly, that he would allow them but half an hour to take the American frigate; that he should be quite offended with them if they did not do her business in that time. *Mirabile dictu!* what a reverse?—In twenty minutes he received an *invitation* which, bold as he was, he dared not refuse, to go and see "*the natives of Boston*!" Unfortunate man!—the *three* flags he had set up to shew his determination, with the masts from which they flew, went over the side, while *Hull's* FOUR "*gridirons*"† floated in the air triumphant.

It is ungenerous to exult over a fallen foe, for *Dacres* fought bravely; but of all the vessels belonging to the "mistress of the sea," and all the men in "his majesty's service," this is the very vessel and very man we desired to have hold on; as well because she was thought one of the most valuable ships in the navy, as on account of the many depredations committed by her commander on the persons and property of our country, setting aside his terrible threatenings as to what he *would* do. Thanks to the valiant *Hull*, and his inestimable officers and crew, the much despised *yankee* courage has proved itself a good match for the far famed skill, experience and gallantry of Britain, united; for the *Constitution*, six or seven weeks since, was receiving her men in the *Chesapeake* bay; a very small portion of whom, indeed, had ever been in an engagement.

The *Guerriere* is the only frigate the British have lost for more than 30 years, when contending with an equal or inferior force. She was captured from the French, in 1806, by the Blanche‡ of 38 guns, and

* The *Thetis*, and the five vessels that follow, are among the omissions in the general list—for the correction, we are indebted to a friend, who, by carefully examining the prizes recorded, will observe that the other vessels named by him are already inserted. We are sensible that the list is yet very imperfect—but hereafter expect it to be tolerably correct.

* CAPTAIN DACRES' CHALLENGE.

New-York, Sept. 7.—The brig John Adams, capt. Fash, arrived at this port on Friday evening. She was boarded by the Guerriere frigate 2 or 3 days previous to her meeting the Constitution, and capt. Dacres wrote the following challenge on the register of the John Adams:

"Capt. Dacres, commander of his Britannic majesty's frigate Guerriere, of 44 guns, presents his compliments to commodore Rodgers, of the United States frigate President, and will be very happy to meet him, or any other American frigate of equal force to the President, off Sandy Hook, for the purpose of having a few minutes *tete-a-tete*.

† The flag of the United States—so called in ridicule by *British* seamen. It may also be recollected that our favorite *yankee doodle* originated in the enemy's burlesque.

‡ FROM CAPTAIN LAVIE, TO LORD KEITH.

"*Blanche, Yarmouth, July 26th*, 1806.

"MY LORD.—I have the honor to acquaint you of my return to *Yarmouth* to day, having in company the *Guerriere* frigate, commanded by monsieur HUBERT, of the legion of honor, whom I captured on the 19th inst. in long. 62, off the *Faro Islands*, after a sharp contest of 45 minutes.

"*Le Guerriere* is of the largest class of frigates mounting fifty guns, with a complement of 317 men,

would have made a charming addition to our little navy, had she not been so horribly battered by the *Constitution*, as to render it impossible to bring her into port; whose fire was more destructive than any other we have heard of.

Commodore Rodgers.

This gallant officer has been peculiarly unfortunate. In search of glory he crossed the Atlantic ocean and scoured the coasts of France, Spain and Portugal, without meeting with any thing to gratify his ardent thirst for fame. Yet by the cruise he has "done the state some service." He has compelled all the British vessels on our coast to keep much together, and so greatly facilitated the entry of our vessels, *now* chiefly safe at home. When the news of his voyage reaches *England*, every spare squadron will be sent out on a "*wild goose chase*" after him; and thus much time will be gained for our yet absent merchantmen; while he, in the interim, will make a dash at the British men of war on our coast, and, perhaps, clear it. We only wish him to *meet* them gun for gun, and man for man.

On the whole, whether commodore *Rodgers* acted under express orders from the navy department, or of his own motion, (and the latter is generally supposed), he has the honor of having designed a most noble enterprize, as well as of really effecting a great good to his country. No doubt his brave spirit, with the gallant spirits of the officers and crews of the squadron, are exceeding mortified that no *splendid* atchievement has been accomplished—but let them be satisfied, for the present, with having *deserved* it, and trust to *future accident* for *certain glory*.

United States' Revenue.

We think it highly probable, from the great influx of British goods, and the brilliant success of our privateers, that the revenue of the United States in the present year, to be derived from duties on import and tonnage, will amount to at least TWENTY MILLIONS OF DOLLARS, instead of five millions, as estimated by the secretary of the treasury—for the British goods, be their fate what it may, must pay the duties upon them. To recruit the treasury, to aid the war, and make *their own fortunes*, the *Baltimore* cruisers are doing their full share; and will, if their good luck continues, be the means of contributing a million to the public purse. Besides, we are fitting out several other vessels to help them in the good work; and in all parts of the United States, we observe an increased and constantly increasing desire, to raise *the revenue*, by bringing in as many enemy ships as is possible.

The Chronicle.

We have three bulletins of the French grand army. The first is dated at Gumbinnon, in Prussian Lithuania, June 20—the second at Wilkowiski, on the 22nd, and the third at Kowna, June 26. They detail no event of importance.

The crown prince of Sweden is said to have 60,000 troops under arms, with a reserve of 25,000 men.—The British papers intimate that he contemplates a descent upon Denmark in concert with Russia.—But this an old story.

The Russians are retreating to the Dwina—destroying every thing before them that can be useful to the enemy. The French entered Wilna on the 1st of July, and found it in a desolate state. *It is said* they are suffering extremely for want of provisions, and that large quantities of their troops particularly the Prussians, were deserting. A London paper of the 28th July, says that Bonaparte was returning from Russia for the want of supplies.

LONDON, JULY 26.—Government have deemed it expedient to make an alteration in the licenses granted to Americans. American ships were allowed to export only goods of British manufacture; they are now at liberty to export such articles as by law may be exported. The licenses will, besides, protect the return of the said articles to Great Britain, should the government of the United States refuse them admission into the ports of America.

The last accounts from lord Wellington, in Spain, place him at Fuente la Vena, 50 miles from Salamanca, on the road to Valladolid. His advanced guard had frequent skirmishes with the rear of Marmont's army, which was in full retreat.

Lord Castlereagh was in parliament on the 27th July. The report of the duel is therefore unfounded. *Perhaps he was not born to be shot.*

The "Beacon" a London paper of July 26, says, as America commenced hostile measures before she heard of the revocation of the orders in council, we are yet confident amity will be restored."

July 23. Ministers informed the merchants that though they had not official information of the American war from Mr. Foster, they believed it had commenced.—The merchants then requested stronger convoys for Canada.

The Courier recommended an embargo on American vessels; and says "America has declared war and let her have it. We hope a squadron will be sent to scour the American coast——and squadrons to sweep her vessels from every sea;"—— [As to our vessels, thank heaven, the greater part are snug at home, except those we wish at sea—and Mr. *Courier* shall find that the British squadrons will have enough to do to protect *their own* commerce from the enterprize of 100,000 abler seamen than their navy boasts of. The chief part of the commerce of the *United States*, during the war, will be brought here in *British* bottoms; and lords *Liverpool* and *Sheffield* ought to be much obliged to us for the *exclusive privilege* we intend to allow the shipping of Great Britain to furnish us with goods!]

Kentucky election. Messrs. Clay, M'Kee, Johnson, Desha, Clark, Montgomery, Duvall, Sharp, Hopkins and Simpson, all republicans, have been elected representatives in the 13th congress of the United States. We have already noticed the election of brave old col. Shelby as governor, by a large majority.

The French army on the borders of Russia, is said to consist of 640,000 men.

☞ In consequence of the doubts expressed by some of the agents of the Register, as to the period of payment, it is proper to say—that of the *original subscribers*, (that is, those who have received the work from No. 1,) residing in places where there is an agent, we do not expect payment for the present year until *March* next; this, however, does not foreclose the good wishes of any who may desire to pay in *advance*, whose favors will be very gratefully received: and many, it is believed, are so far disposed to encourage the work.

Those who have not yet paid for the first year may satisfy the deficit by *now* forwarding the two years together, as several have done.

New subscribers must pay in advance.

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but they were very soon sadly reduced by our destructive fire, and the ship has also suffered very severely, while the damages of the *Blanche* were confined to the topmasts, rigging and sails.—[*Here is a list of killed, wounded, &c. The Blanche had only 4 wounded.*] "THOMAS LAVIE."

THE WEEKLY REGISTER.

No. 3 of vol. III.] BALTIMORE, SATURDAY, September 19, 1812. [whole no. 55.

Hæc olim meminisse juvabit.—Virgil,

Printed and published by H. Niles, South-st. next door to the Merchant's Coffee House, at $ 5 *per annum*.

From Canada.

From the Montreal Gazette extra, September 3.

We are happy to gratify our subscribers with a few official details of the capture of Detroit, and general Hull by our little army, under major-general Brock. The remaining details will be given in their order, in the Gazette which will be published as early as possible this week.

We have also been favored by a friend with a letter dated at Sandwich, the 16th August, giving an account of the movements and depredations of the American army in and about that neighborhood, the whole of which will appear in our next.

The American colors were brought down here by major Glegg, aid-de-camp to general Brock.

We hourly expect to see here general Hull, and the prisoners.

Head-Quarters, Sandwich, August 15, 1812.

SIR—The force at my disposal authorises me to require of you the immediate surrender of fort Detroit. It is far from my inclination to join in a war of extermination, but you must be aware, that the numerous body of Indians who have attached themselves to my troops, will be beyond my control the moment the contest commences. You will find me disposed to enter into such conditions as will satisfy the most scrupulous sense of honor. Lieut. colonel McDonell and major Glegg are fully authorised to conclude any arrangement that may lead to prevent the unnecessary effusion of blood.

I have the honor to be, sir, your most obedient servant,

(Signed) ISAAC BROCK, maj. gen.

His excellency brigadier-general Hull, commanding at fort Detroit.

Head-Quarters, Detroit, August, 15, 1812.

SIR—I have received your letter of this date. I have no other reply to make, than to inform you, that I am prepared to meet any force, which may be at your disposal, and any consequences which may result from any exertion of it you may think proper to make.

I avail myself of this opportunity to inform you that the flag of truce under the direction of captain Brown, proceeded contrary to the orders, and without the knowledge of col. Cass, who commanded the troops which attacked your picket, near the river Canard bridge.

I likewise take this occasion to inform you that Cowie's house was set on fire contrary to my orders, and it did not take place until after the evacuation of the fort. From the best information I have been able to obtain on the subject, it was set on fire by some of the inhabitants on the other side of the river.

I am, very respectfully, your excellency's most ob't serv't.

(Signed) W. HULL, brig. gen.

Commanding the N. W. Army of the U. S.

His excellency major-general Brock, commanding his Britannic majesty's forces, Sandwich, Upper Canada.

[*Capitulation as before published.*]

An article supplemental to the articles of capitulation concluded at Detroit, 16th August, 1812.

It is agreed that the officers and soldiers of the Ohio militia and volunteers shall be permitted to proceed to their respective homes on this condition, that they are not to serve during the present war, unless they are exchanged.

(Signed) W. HULL, brig. gen.

Commanding N. W. Army U. S.

ISAAC BROCK, maj. gen.

An article in addition to the supplemental article of the capitulation, concluded at Detroit, 16th August, 1812.

It is further agreed that the officers and soldiers of the Michigan militia and volunteers, under the command of major Witherell, shall be placed on the same principles as the Ohio volunteers and militia are placed by the supplemental article of the 16th instant.

(Signed) W. HULL, brig. gen.

Commanding N. W. army U. S.

ISAAC BROCK, maj. gen.

GENERAL ORDER.

Head-Quarters, Detroit August 16, 1812.

Major-general Brock has every reason to be satisfied with the conduct of the troops he had the honor to lead this morning against the enemy. The state of discipline which they so eminently displayed, and the determination they evinced, to undertake the most hazardous enterprise, decided the enemy, infinitely more numerous in men and artillery, to propose a capitulation, the terms of which are herewith inserted, for the information of the troops.

The major-general requests colonel Proctor will accept his best thanks for the assistance he derived from his experience and intelligence.

The steadiness and discipline of the 41st regiment, and the readiness of the militia to follow so good an example, were highly conspicuous.

The ability manifested by captain Dixon of the royal engineers, in the choice and construction of the batteries, and the high state of the royal artillery under lieut. Troughton, afforded the major-general much gratification, and reflect great credit on those officers.

The willing assistance given by captain Hall and the marine department during the whole course of the service, has been very conspicuous, and the manner the batteries were served this morning, evinced a degree of steadiness highly commendable.

Lieut. Dewar, dep.-asst.-qr.-master-general, afforded strong proof of the local knowledge he has acquired of the country, of an unremitting attention to his duty; and the care and regularity with which the troops were transported across the river, must in a like degree be ascribed to his zeal for the service.

To lieut. colonel St. George, majors Tallon and Chambers, who commanded brigades, every degree of praise is due for their unremitting zeal and attention to their respective commands. The detachment of the royal Newfoundland regiment, under the command of major Mockler, is deserving every praise for their steadiness in the field, as well as when embarked in the king's vessels.

The major-general cannot forego this opportunity of expressing his admiration at the conduct of the several companies of militia, who so handsomely volunteered to undergo the fatigues of a journey of several hundred miles, to go to the rescue of an invaded district; and he requests major Salmon, captains Hatt, Heward, Bostwick and Robinson, will assure the officers and men under their respective command, that their services have been duly appreciated, and will never be forgotten.

The major-general is happy to acknowledge the able assistance he has derived from the zeal and local information of lieut. colonel Nicholl, acting quarter-master general to the militia.

To his personal staff the major-general feels himself under much obligation; and he requests lieut. colonel McDonnell and majors Glegg and Givens, will be assured that their zealous exertions have made too deep an impression on his mind ever to be forgotten.

The conduct of the Indians under colonel Elliot, captain M'Kee and the other officers of that department, joined to that of the gallant and brave chiefs of their respective tribes, has, since the commencement of the war, been marked with acts of true heroism, and in nothing can they testify more strongly their love to the king, their great father, than in following the dictates of honor and humanity, by which they have been hitherto actuated. Two fortifications have already been captured from the enemy without a drop of blood being shed by the hand of the Indians; the instant the enemy submitted, his life became sacred.

By order of major-general Brock,

J. B. GLEGG, Capt. A. D. C.

Return of Ordnance taken in the Fort and Batteries at Detroit, August 16th, 1812.

IRON.		BRASS.	
24 pounders	9	6 pounders	8
12 do.	8	4 do.	2
9 do.	5	3 do.	1
6 do.	3	8 inch howitzer	1
		5 1-2 do.	1
Total,	25	Total,	8

RECAPITULATION.

Iron pieces of Ordnance	25
Brass do.	8
Grand total,	33

(Signed) FELIX TROUGHTON, Lieut.
Commanding Roy. Art'y.

Major-General Brock, commanding the forces of Upper Canada.

GENERAL ORDER.

Head-Quarters, Montreal, August 31.

It is with real regret that his excellency the governor-general and commander of the forces, announces to the troops under his command, and to the public, the failure of an important arrangement, lately entered into between major-general Dearborn, commander in chief of the forces of the United States of America, and himself, for a suspension of active hostilities, and which his excellency had hoped might have ultimately terminated in an amicable settlement of the differences subsisting between the two countries.

Captain Pinkney, aid-de-camp to general Dearborn, arrived at 9 o'clock last night, being the bearer of despatches from the commander in chief of the American forces, with the information that the president of the U. States of America had not thought proper to authorise a continuance of the provisional measures entered into by his excellency and general Dearborn, through the adjutant general col. Baynes, and that consequently the armistice was to cease in 4 days from the time of the communication reaching Montreal and the posts at Kingston and fort George. At the same time that his excellency cannot but lament so unlooked for a decision

upon the friendly proposition made by him, through general Dearborne to the government of the U. States, he trusts it will be matter of high satisfaction to all his majesty's subjects in this province to know that he has used all the means in his power to prevent a further increase of the breach subsisting between Great Britain and America, and to ward off from these provinces the calamities of war, with which they are threatened. In the same spirit of conciliation which has uniformly influenced his majesty's ministers in their late negociations with the government of the U. States, his excellency availed himself of the earliest opportunity of communicating to the commander in chief of the American forces, the despatches he had received from Mr. Foster at Halifax containing the intentions of his majesty's government respecting the repeal of the orders in council; and as his excellency could not doubt but that this conciliatory measure, removing the alleged principal ground of difference between Great Britain and America, and which had been transmitted to the government of the U. States, through Mr. Baker, late secretary of legation at Washington, would be met by a similar disposition on their part, he submitted to general Dearborne the propriety of a suspension of hostilities until the determination of the president should be made known upon the subject. The ready acquiescence of that officer in this proposal, excepting as far as it related to general Hull, *who was acting under the immediate orders of the executive government of America, and the orders immediately issued by him*, strongly manifested his friendly disposition on the occasion, and led to a reasonable expectation that his government would not fail to approve of his conduct, and to confirm the armistice he had entered into. In this expectation his excellency has been disappointed, and the American government by refusing to continue the suspension of hostilities, though with the certain evidence before them of the actual repeal of the orders in council, has proclaimed in language not to be misunderstood, that other objects independent of those held out to the American people as the grounds of the war, were originally in their contemplation. That the conquest of the Canadas, either for the purpose of extending their own territories, or of gratifying their desire of annoying and embarrassing Great Britain was one amongst others of these objects, cannot be doubted. The invasion of the upper province undertaken so immediately after the declaration of war, shews in the strongest manner how fully they had prepared themselves for that event, and how highly they had flattered themselves with finding it an easy conquest from the supposed weakness of the force opposed to them, and the spirit of disaffection which they had previously endeavored to excite amongst its inhabitants—Foiled as they have been in this attempt by the brave and united efforts of the regular forces, militia and Indians of that province, under the command of their distinguished leader, their whole army with its general captured, and their only remaining fortress and post in the adjoining territory wrested from them, it is not to be doubted but that the American government will keenly feel this disappointment of their hopes, and consequently endeavor to avail themselves of the surrender of Detroit, to term it an invasion of their country, and to make it a ground for calling upon the militia to march to the frontiers for the conquest of the Canadas. A pretext so weak and unfounded, though it may deceive some, will not fail to be received in its proper light by others and it will be immediately perceived by those who will give themselves the trouble to reflect upon the subject, that the pursuit of an invading army into their own territory, is but a natural consequence of the first invasion, and the capture of the place to which they may retire for safety, a measure indispensably necessary for the security and protection of the country originally attacked.

Under all these circumstances so strongly indicative of the moderation, forbearance and true spirit of conciliation manifested on the part of his majesty's government towards the United States of America, and of their determined hostility to Great Britain. His excellency the commander of the forces trusts that the troops, regulars and militia, under his command, as well as all his majesty's other subjects in this part of his dominions, animated with sentiments of just indignation at the extraordinary pretensions of the enemy and their unwarrantable views of conquest upon the Canadas, will be prepared to repel with firmness, and with that invincible spirit and true British courage which has so gloriously manifested itself in Upper Canada in the total defeat and capture of the invading foe, any further attempt the enemy may have the temerity to make; and his excellency looks with confidence, under the protection of Divine Providence, to the confirmed discipline of his majesty's troops, and to the zeal, loyalty and courage of all descriptions of persons in these provinces, as a certain pledge of the same glorious result.

EDWARD BAYNES,
Adjutant General.

British Parliament.

Speech of the Lords Commissioners to both Houses of Parliament, on Thursday, July 30, 1812.

MY LORDS AND GENTLEMEN,

In terminating the present session of parliament, his royal highness the prince regent, has commanded us to express to you the deep concern and sorrow which he feels at the continuance of his majesty's lamented indisposition.

His royal highness regrets the interruptions which have occurred in the progress of public business, during this long and laborious session, in consequence of an event which his royal highness must ever deplore. The zeal and unwearied assiduity with which you have persevered in the discharge of the arduous duties imposed upon you by the situation of the country, and the state of public affairs, demand his royal highness's warm acknowledgements.

The assistance which you have enabled his royal highness to continue to the brave and loyal nations of the Peninsula, is calculated to produce the most beneficial effects.

His royal highness most warmly participates in those sentiments of approbation which you have bestowed on the consummate skill and intrepidity displayed in the operations which led to the capture of the important fortresses of Ciudad Rodrigo and Badajoz, during the present campaign, and his royal highness confidently trusts that the tried valor of the allied forces under the distinguished command of general the earl of Wellington, combined with the unabating spirit and steady perseverance of the Spanish and Portuguese nations, will finally bring the contest in that quarter to an issue, by which the independence of the Peninsula will be effectually secured.

The renewal of the war in the north of Europe furnishes an additional proof of the little security which can be derived from any submission to the usurpations and tyranny of the French government. His royal highness is persuaded, that you will be sensible of the great importance of the struggle in which the emperor of Russia has been compelled to engage; and that you will approve of his royal highness affording to those powers who may be united in this contest, every degree of co-operation and assistance, consistent with the interests of his majesty's dominions.

His royal highness has commanded us to assure you, that he views with most sincere regret the hostile measures which have been recently adopted by the government of the United States of America towards this country. His royal highness is nevertheless willing to hope that the accustomed relations of peace and amity between the two countries may yet be restored; but if his expectations in this respect should be disappointed by the conduct of the government of the United States, or by their perseverance in any unwarrantable pretensions, he will most fully rely on the support of every class of his majesty's subjects, in a contest in which the honor of his majesty's crown and the best interests of his dominions must be involved.

Gentlemen of the House of Commons,

We have it in command from his royal highness to thank you for the liberal provision which you have made for the services of the year. His royal highness deeply regrets the burthens which you have found it necessary to impose upon his majesty's people; but he applauds the wisdom which has induced you so largely to provide for the exigencies of the public service, as affording the best prospect of bringing the contest in which the country is engaged to a successful and honorable conclusion.

My Lords and Gentlemen,

His royal highness has observed, with the utmost concern the spirit of insubordination and outrage which has appeared in some parts of the country, and which has been manifested by acts not only destructive of the property and personal safety of many of his majesty's most loyal subjects in those districts, but disgraceful to the British character.—His royal highness feels it incumbent on him to acknowledge your diligence in the investigation of the causes which have led to these outrages, and he has commanded us to thank you for the wise and salutary measures which you have adopted on this occasion. It will be a principal object of his R. H's attention to make an effectual and prudent use of the powers

vested in him for the protection of his Majesty's people; and he confidently trusts, that on your return into your respective counties, he may rely on your exertions for the preservation of the public peace, and for bringing the disturbers of it to justice. His royal highness most earnestly recommends to you the importance of inculcating, by every means in your power, a spirit of obedience to those laws, and of attachment to that constitution, which provide equally for the happiness and wellfare of all classes of his majesty's subjects, and on which have hitherto depended the glory and prosperity of this kingdom.

Orders in Council.

At the court at Carlton House, 31st July, 1812; *present, his Royal Highness the Prince Regent, in Council:*

It is this day ordered, by his royal highness the prince regent, in the name and on behalf of his majesty, and by and with the advice of his majesty's privy council, that no ships or vessels belonging to his majesty's subjects be permitted to enter and clear out for any of the ports within the territories of the United States of America, until further order: and his royal highness is further pleased, in the name and on the behalf of his majesty, and by and with the advice aforesaid, to order, that a general embargo or stop be made of all ships and vessels whatsoever, belonging to the citizens of the United States of America now within, or which shall hereafter come into any of the ports, harbors, or roads, within any part of his majesty's dominions, together with all persons and effects on board of all such ships and vessels; and that the commander of his majesty's ships of war and privateers do detain and bring into port all ships and vessels belonging to the citizens of the United States of America, or bearing the flag of the said United States, except such as may be furnished with British licences, which vessels are allowed to proceed according to the tenor of the said licences; that the utmost care be taken for the preservation of all and every part of the cargoes on board, any of the said ships or vessels, so that no damage or embezzlement whatever be sustained, and the commanders of his majesty's ships of war and privateers are hereby instructed to detain and bring into port every such ship and vessel accordingly, except such as are above excepted; and the right honorable the lords commissioners of his majesty's treasury, the lords commissioners of the admiralty, and lord warden of the Cinque ports, are to give the necessary directions herein as to them may respectively appertain. CHETWYND.

By the commissioners for executing the office of lord high admiral of the united kingdom of Great Britain and Ireland, &c.

Whereas by an act passed in the forty third year of the reign of his present majesty for the better protection of the trade of the united kingdom during the present hostilites with France; a power is vested in us to grant licences to vessels to sail without convoy, and we have, in pursuance of the said act granted sundry licences accordingly; and whereas we see fit to revoke certain of those licences, as hereinafter specified: We do hereby revoke and declare null and void, and of no effect, all licences granted by us to any ship or vessel to sail without convoy to any port or place of North America, Newfoundland, the West Indies, or the Gulph of Mexico, which ship or vessel shall not have cleared out before this revocation shall be known to the collector or other officer of the customs of the port at which such vessel shall be.

Given under our hands and the seal of the office of admiralty, 31st of July 1812.

(Signed) MELVILLE,
Wm. DOUGLETT,
GEO. J. HOPE.

To all whom it may concern.

By command of their lordships,
J. W. CROOKER.

An order in council of the 17th July, continues, the order in council prohibiting the exportation of "gunpowder, Saltpetre, or any kind of arms or ammunition."

Another order in council, same date, continues, a former order permitting the importation of hides, horns, tallow, wool (except cotton wool) in foreign vessels from ports from which the British flag is excluded.

The order in council is continued, which prohibits the exportation of iron, naval stores, &c.

Orders in Council—Remarks.

FROM THE LONDON STATESMAN.

[*Published some weeks anterior to the receipt of our declaration of war.*]

It was the understanding of every man in the country that Mr. Brougham consented to cast a veil over the frail standing of ministers, on Tuesday night last, by abstaining from a division of the house on the question of the orders in council, on the *promise* of lord Castlereagh, that a proclamation should be immediately issued declaratory of the *total abrogation* of this ruinous system—a system that, to the end of time will mark the ignorance, weakness and folly of the councils of the nation, which for so long a period, could permit the existence of measures in every respect so vitally injurious to the best interests of this country—a system that has enabled the enemy to effect his great object of turning the attention of the people of the continent from maritime to internal commerce, where it is unassailable by our navy—a system which has enabled Bonaparte to break those people of their old and almost riveted habits—to use the colonial produce and our manufactures; which has caused them to use substitutes for the first, and to set them to spinning and weaving the latter—objects which not ten thousand of Napoleon's vapid decrees could, in one hundred years have accomplished, unaided by our most pernicious orders in council—a system which has in a material degree turned the American States from an agricultural to a manufacturing nation, and lost us, perhaps forever, a vent to that country for our manufacturers to the amount of at least twelve millions per annum, and which was naturally increasing in the ratio of the increase of their population and wealth—a system which has thrown our manufactures into total stagnation, and is causing the starvation by inches, of thousands and and thousands of our ingenious and dexterous artizans.——No wonder, indeed, that the authors and supporters of this impolitic system now skulk off, and hang down their heads with mortification and shame.—No wonder that the father of this pernicious system, Mr. Stephen, should have declined being present in the house of commons to witness the condemnation of a measure, and that, too, without *a single argument* being adduced in its defence, which, we will venture to assert, has produced more national and individual distress, than it was possible for the enemy to have inflicted on us in 100 years, even with such ministers as we have at the head of our government. The condemnation of the orders in council by parliament, is most emphatically the denunciation of their authors and supporters, and

the time has been and may arrive again, when such men would not only have been instantly discarded from all offices of trust, but would have been made substantially responsible for mal-administration. Those orders in council have been pronounced and protested against by lord Erskine, and several other noble lords as *unconstitutional*; and we appeal to the sober, common sense of the nation, whether it is fitting that men whose policy has not only been ruinous, but unconstitutional, and which they, *after* the injury has been done to the nation, have ungraciously abandoned themselves—we ask honest men of all parties, whether it is fitting or decent, that such men should be again entrusted with the important destinies of this empire? Are we, after what we know of them, again to put in their hands the national purse, and permit men who have failed in *all* their wild and weak experiments, to try others on us, which will beyond all doubt, prove equally ruinous?

The necessity of the abrogation of the orders in council has been acknowledged by all. The proximate object at least is, by effecting a reconciliation with the American states, to obtain a vent for our accumulated, and at present, useless stock of manufactures, and thereby afford employment and bread for our idle and famishing workmen, who have been driven by hunger to the most daring acts of desperation, and for which many misguided, but once industrious beings are now suffering the infliction of the bayonet and the halter. What higher or more commendable objects under heaven can any that may truly be called statesmen have than the preservation of peace with a nation with which it is so decidedly our interest to be on terms of friendship, and likewise the alleviation of the distresses of our own people? The annunciation of the understanding with ministers in parliament, that the orders in council would be unequivocally repealed, was received in the manufacturing districts, and indeed all over the country, with feelings of more real joy than any event that has occurred for years. One correspondent writes, that the moment the intelligence which was received by express on Thursday morning, reached the Staffordshire potteries, it "diffused the most lively joy throughout that populous district, which hails the grand *desideratum* of a renewed trade with America, as being the dawn of a fresh era of prosperity to these manufactures." From Liverpool we learn, that such was "the promptitude of men in business on Friday last, that a great many American ships have been placarded this morning in the exchange, in expectation of beneficial freights, from the confidence with which the merchants will look for the abrogation of the restriction law on the other side of the Atlantic." At Leeds, on Saturday, "the beneficial effects of the repeal of the orders in council are already apparent in the impulse given to the woolen trade. Bales of cloth, which have been stored in the warehouses of the American merchants for months, in some instances we may say for years, are now in transmit to the place of their destination; and we are peculiarly happy to state, that there were more purchasers in the Leeds cloth-halls this morning, than there has been on any market day since the enactment of the celebrated orders in council." From a gentleman who arrived in town this morning, we are informed, that immediately after the news reached Manchester and Yorkshire, manufactured goods of all descriptions rose at least 20 per cent. and many of those who were out of employment were set to work. As soon as the accounts were received at Birmingham and its neighborhood, the reviving sound of the hammer, the anvil and the loom were again heard. The baker, seeing the prospect of getting the arrears due by the manufacturers paid up, furnished them with more bread.—Thousands of almost famished men, women and children, who for want of a sufficiency of food to nourish them, were reduced to skeletons—creeping into puberty in forms more like the puny inhabitants of Hindostan than like those of Englishmen, were once more cheered and reanimated with enough to satisfy the cravings of nature.

Such a glad day had not for a long time past been seen in this country. Even the battles and slaughters of our enemies at the Nile, at Trafalgar, and the *seizure of the fleet of our ally at Copenhagen* did not excite such pleasurable sensations. But what must be the contrast when the news reaches the country that *ministers have deluded* Mr. Brougham, and those who gave their support to his motion; and that *the orders in council will not be repealed, except on conditions which, it is perfectly known, the American government will not accept of*, who will therefore neither take our goods, nor give us their flour? We may go to war with America to be sure; we may capture a few of her ships, and batter down some of her towns: but this will only stimulate her anger, and as she possesses all the materials for manufactures of every kind, she may form the resolution of laying enormous duties on our goods which, even in time of peace, will exclude our products forever.—Such then is the precipice on which this nation stands—such is the condition to which it has been reduced by the wretched policy of our rulers.—We *must* conciliate America or our poor manufactures must *continue to be paupers* as long as charity can be extended to them: and then they will be left to rob and murder, for which they will undoubtedly be hanged or shot.

France and England.

A copy of a letter addressed by the French minister of foreign affairs to lord Castlereagh, secretary of state for foreign affairs to his Britannic majesty:

SIR,

His majesty, constantly actuated by sentiments friendly to moderation and peace, is pleased again to make a solemn and sincere attempt to put an end to the miseries of war. The awful circumstances in which the world is at present placed, have induced a resolution in the mind of his majesty, the result of which has been, to authorise me to explain to you, sir, his views and intentions. Many changes have taken place in Europe for the last ten years, which have been the necessary consequence of the war between France and England; and many more changes will be effected by the same cause. The particular character which the war has assumed, may add to the extent and duration of these results. Exclusive and arbitrary principles cannot be combatted but by an opposition without measure or end; and the system of preservation and resistance should have the same character of universality, perseverance and vigor. The peace of Amiens, if it had been observed, would have prevented much confusion.

I heartily wish that the experience of the past may not be lost for the future.——His majesty has often stopped when the most certain tumults lay before him, and turned round to invoke peace. In 1805, secure as he was by the advantage of his situation and spite of his confidence which he might reasonably see in anticipation which fortune was about to realize, he made proposals to his Britannic majesty, which were rejected on the ground that Russia should be consulted.

In 1808, new proposals were made, in concert with Russia. England alleged the necessity of an intervention, which could be no more than the result of the negociation itself. In 1810, his majesty hav-

ing clearly discerned that the British orders in council of 1807 rendered the conduct of the war incompatible with the independence of Holland, caused indirect overtures to be made towards procuring the return of peace. They were fruitless, and the consequence was, that new provinces were united to the empire.

In the present time are to be found united all the circumstances of the various periods at which his majesty manifested the pacific sentiments which he now orders me again to declare he is now actuated by.

The calamities under which Spain and the vast regions of Spanish America suffer, should naturally excite the interest of all nations, and inspire them with an equal anxiety for their termination.

I will express myself, sir, in a manner which your excellency will find conformable to the sincerity of the step which I am authorised to take; and nothing will better evince the sincerity and sublimity of it than the precise terms of the language which I have been directed to use.——What views and motives should induce me to envelope myself in formalities suitable to weakness, which alone can find its interest in deceit?

The affairs of the Peninsula, and the two Sicilies, are the points of difference which appear least to admit of being adjusted. I am authorised to propose to you an arrangement of them on the following basis.

The integrity of Spain shall be guaranteed. France shall renounce all idea of extending her dominions beyond the Pyrenees. The present dynasty shall be declared independent, and Spain shall be governed by a National Constitution of her Cortes.

The independency and integrity of Portugal shall be also guaranteed, and the house of Braganza shall have the sovereign authority.

The kingdom of Naples shall remain in possession of its present monarch. And the kingdom of Sicily shall be guaranteed to the present family of Sicily.——As a consequence of these stipulations, Spain, Portugal and Sicily shall be evacuated by the French and English land and naval forces. With respect to the other objects of discussion, they may be negociated upon this basis, that each power shall retain that of which the other could not deprive it by war.

Such are, sir, the grounds of conciliation offered by his majesty to his royal highness the prince Regent. His majesty the emperor and king, in taking this step, does not look either to the advantage or losses which this empire may derive from the war, if it should be prolonged; he is influenced simply by the considerations of the interests of humanity, and the peace of his people. And if this fourth attempt should not be attended with success, like those which have preceded it, France will at least have the consolation of thinking that whatever blood may yet flow, will be justly imputable to England alone.

I have the honor to be, &c.

(Signed) THE DUKE OF BASSANO.

Copy of the answer of Lord Castlereagh, secretary of State for foreign affairs to his Britannic majesty, to the minister of foreign relations, of the 17th of April, 1812.

LONDON—*Office for Foreign Affairs, April 23, 1812.*

SIR—Your excellency's letter of the 17th of this month has been received, and laid before the prince Regent.

His royal highness felt that he owed it to his honor, before he could authorise me to enter into explanation upon the overture which your excellency has transmitted, to ascertain the precise meaning attached by the government of France, to the following passage of your excellency's letter: "the actual dynasty shall be declared independent, and Spain governed by the National Constitution of the Cortes."

If, as his royal highness fears, the meaning of this proposition is, that the royal authority of Spain, and the government established by the cortes, shall be recognized as residing in the brother of the head of the French government, and the cortes formed under his authority, and not in the legitimate sovereign Ferdinand the VIIth, and his heirs, and the extraordinary assembly of the cortes, now invested with the power of the government in that kingdom in his name, and by his authority—I am commanded frankly and explicitly to declare to your excellency, that the obligations of good faith do not permit his royal highness to receive a proposition for peace founded on such a basis.

But if the expressions cited above, apply to the actual government of Spain, which exercises the sovereign authority in the name of Ferdinand VIIth, upon an assurance of your excellency to that effect, the prince regent will feel himself disposed to enter into a full explanation upon the basis which has been transmitted, in order to be taken into consideration by his royal highness; and it being his most earnest wish to contribute, in concert with his allies, to the repose of Europe, and to bring about a peace which may be at once honorable, not only for Great Britain and France, but also for those states which are in relation of amity with each of these powers.

Having made known without reserve the sentiments of the prince regent, with respect to a point on which it is necessary to have a full understanding previous to any ulterior discussion, I shall adhere to the instructions of his royal highness, by avoiding all superfluous comment and recrimination on the accusatory subjects of your letter. I might advantageously, for the justification of the conduct observed by Great Britain at the different periods alluded to by your excellency, refer to the correspondence which then took place, and to the judgment which the world has long since formed of it.

As to the particular character the war has unhappily assumed, and the arbitrary principle which your excellency conceives to have marked its progress, denying as I do, that these evils are attributable to the British government, I at the same time can assure your excellency, that it sincerely deplores their existence, as uselessly aggravating the calamities of war, and that its most anxious desire, whether at peace or at war with France, is, to have the relations of the two countries restored to the liberal principles acted upon in former times.

I take this opportunity of assuring your excellency of my respect.

(Signed) CASTLEREAGH.

[To this letter, it is stated, no reply was received.]

Events of the War.

OFFICIAL ACCOUNTS.

MILITARY.

Letter of Col. Cass, of the army late under the command of Brigadier-General, Wm. Hull, to the Secretary of war.

WASHINGTON, SEPT. 10th, 1812.

SIR,—Having been ordered on to this place by col. M'Arthur, for the purpose of communicating to the government such particulars respecting the expedition lately commanded by brigadier-general Hull and

its disastrous result, as might enable them correctly to appreciate the conduct of the officers and men, and to develope the causes which produced so foul a stain upon the national character, I have the honor to submit for your consideration the following statement:

When the forces landed in Canada, they landed with an ardent zeal and stimulated with the hope of conquest. No enemy appeared within view of us, and had an immediate and vigorous attack been made upon Malden, it would doubtless have fallen an easy victory. I knew general Hull afterwards declared he regretted this attack had not been made, and he had every reason to believe success would have crowned his efforts. The reason given for delaying our operations was to mount our heavy cannon, and to afford to the Canadian militia time and opportunity to quit an obnoxious service. In the course of two weeks the number of their militia who were embodied had decreased by desertion from six hundred to one hundred men; and, in the course of three weeks, the cannon were mounted, the ammunition fixed, and every preparation made for an immediate investment of the fort. At a council, at which were present all the field officers, and which was held two days before our preparations were completed, it was unanimously agreed to make an immediate attempt to accomplish the object of the expedition. If by waiting two days we could have the service of our heavy artillery, it was agreed to wait; if not, it was determined to go without it and attempt the place by storm. This opinion appeared to correspond with the views of the general, and the day was appointed for commencing our march. He declared to me that he considered himself pledged to lead the army to Malden. The ammunition was placed in the waggons; the cannon were embarked on board the floating batteries, and every requisite was prepared. The spirit and zeal, the ardor and animation displayed by the officers and men on learning the near accomplishment of their wishes, a sure and sacred pledge, that in the hour of trial they would not be found wanting in duty to their country and themselves. But a change of measures, in opposition to the wishes and opinions of all the officers, was adopted by the general. The plan of attacking Malden was abandoned, and instead of acting offensively, we broke up our camp, evacuated Canada, and re-crossed the river in the night, without even the shadow of an enemy to injure us. We left to the tender mercy of the enemy the miserable Canadians who had joined us, and the *protection* we afforded them was but a passport to vengeance. This fatal and unaccountable step dispirited the troops, and destroyed the little confidence which a series of timid, irresolute and indecisive measure had left in the commanding officer.

About the tenth of August, the enemy received a reinforcement of four hundred men. On the twelfth the commanding officers of three of the regiments (the fourth was absent) were informed through a medium which admitted of no doubt, that the general had stated, that a capitulation would be necessary. They on the same day addressed to governor Meigs of Ohio a letter, of which the following is an extract:

"Believe all the bearer will tell you. Believe it, however it may astonish you, as much as if told by one of us. Even a c——— is talked of by the ———. The bearer will fill the vacancy."

The doubtful fate of this letter rendered it necessary to use circumspection in its details, and therefore the blanks were left. The word 'capitulation' will fill the first and 'commanding general' the other. As no enemy was near us, and as the superiority of our force was manifest, we could see no necessity for capitulating, nor any propriety in alluding to it. We therefore determined in the last resort to incur the responsibility of divesting the general of his command. This plan was eventually prevented by two of the commanding officers of regiments being ordered upon detachments.

On the 13th the British took a position opposite to Detroit, and began to throw up works. During that and the two following days, they pursued their object without interruption and established a battery for two 18 pounders and an 8 inch howitzer. About sun set on the 14th, a detachment of 350 men from the regiments commanded by col. M'Arthur and myself was ordered to march to the river Raisin, to escort the provisions, which had some time remained there protected by a party under the command of captain Brush.

On Saturday, the 15th, about 1 o'clock, a flag of truce arrived from Sandwich, bearing a summons from gen. Brock, for the surrender of the town and fort of Detroit, stating, he could no longer restrain the fury of the savages. To this an immediate and spirited refusal was returned. About 4 o'clock their batteries began to play upon the town. The fire was returned and continued without interruption and with little effect till dark.—Their shells were thrown till 11 o'clock.

At day light the firing on both sides recommenced; about the same time the enemy began to land troops at the Springwells, three miles below Detroit, protected by two of their armed vessels. Between 6 and 7 o'clock, they had effected their landing and immediately took up their line of march.—They moved in a close column of platoons, twelve in front, upon the bank of the river.

The fourth regiment was stationed in the fort; the Ohio volunteers and a part of the Michigan militia, behind some pickets, in a situation in which the whole flank of the enemy would have been exposed. The residue of the Michigan militia were in the upper part of the town to resist the incursions of the savages. Two twenty-four pounders loaded with grape shot were posted on a commanding eminence, ready to sweep the advancing column. In this situation, the superiority of our position was apparent, and our troops, in the eager expectation of victory, awaited the approach of the enemy. Not a sigh of discontent broke upon the ear; not a look of cowardice met the eye. Every man expected a proud day for his country, and each was anxious that his individual exertion should contribute to the general result.

When the head of their column arrived within about five hundred yards of our line, orders were received from general Hull for the whole to retreat to the fort, and for the twenty-four pounders not to open upon the enemy. One universal burst of indignation was apparent upon the receipt of this order. Those, whose conviction was the deliberate result of a dispassionate examination of passing events, saw the folly and impropriety of crowding 1100 men into a little work, which 300 could fully man, and into which the shot and shells of the enemy were falling. —The fort was in this manner filled; the men were directed to stack their arms, and scarcely was an opportunity afforded of moving. Shortly after a white flag was hung out upon the walls. A British officer rode up to enquire the cause. A communication passed between the commanding generals, which ended the capitulation submitted to you. In entering into this capitulation, the general took counsel from his own feelings only. Not an officer was consulted. Not one anticipated a surrender, till he saw the white flag displayed. Even the women were indignant at so shameful a degradation of the American charac-

ter, and all felt as they should have felt, but he who held in his hands the reins of authority.

Our morning report had that morning made our effective men present fit for duty 1060, without including the detachment before alluded to, and without including 300 of the Michigan militia on duty. About dark on Saturday evening the detachment sent to escort the provisions received orders from general Hull to return with as much expedition as possible. About ten o'clock the next day they arrived within sight of Detroit. Had a firing been heard, or any resistance visible, they would have immediately advanced and attacked the rear of the enemy.—The situation in which this detachment was placed, although the result of accident, was the best for annoying the enemy and cutting off his retreat that could have been selected. With his raw troops enclosed between two fires and no hopes of succour, it is hazarding little to say, that very few would have escaped.

I have been informed by colonel Findley, who saw the return of the quarter-master-general the day after the surrender, that their whole force of every description, white, red and black, was 1030. They had twenty-nine platoons, twelve in a platoon, of men dressed in uniform. Many of these were evidently Canadian militia. The rest of their militia increased their white force to about seven hundred men. The number of the Indians could not be ascertained with any degree of precision; not many were visible. And in the event of an attack upon the town and fort, it was a species of force which could have afforded no material advantage to the enemy.

In endeavoring to appreciate the motives and to investigate the causes which led to an event so unexpected and dishonorable, it is impossible to find any solution in the relative strength of the contending parties, or in the measures of resistance in our power. That we were far superior to the enemy; that upon any ordinary principles of calculation we would have defeated them, the wounded and indignant feelings of every man there will testify.

A few days before the surrender, I was informed by general Hull, we had 400 rounds of 24 pound shot fixed and about 100,000 cartridges made. We surrendered with the fort 40 barrels of powder and 2500 stand of arms.

The state of our provisions has not been generally understood. On the day of the surrender we had fifteen days of provisions of every kind on hand.—Off meat there was plenty in the country, and arrangements had been made for purchasing and grinding the flour. It was calculated we could readily procure three month's provisions, independent of 150 barrels flour, and 1500 head of cattle which had been forwarded from the state of Ohio, which remained at the river Raisin under captain Brush, within reach of the army.

But had we been totally destitute of provisions, our duty and our interest undoubtedly was to fight. The enemy invited us to meet him in the field.

By defeating him the whole country would have been open to us, and the object of our expedition gloriously and successfully obtained. If we had been defeated we had nothing to do but to retreat to the fort, and make the best defence which circumstances and our situation rendered practicable. But basely to surrender without firing a gun—tamely to submit without raising a bayonet—disgracefully to pass in review before an enemy as inferior in the quality as in the number of his forces, were circumstances, which excited feelings of indignation more easily felt than described. To see the whole of our men flushed with the hope of victory, eagerly awaiting the approaching contest, to see them afterwards dispirited, hopeless and desponding, at least 500 shedding tears because they were not allowed to meet their country's foe, and to fight their country's battles, excited sensations, which no American has ever before had cause to feel, and which, I trust in God, will never again be felt, while one man remains to defend the standard of the union.

I am expressly authorised to state, that colonel M'Arthur and colonel Findley, and lieut. col. Miller viewed this transaction in the light which I do. They know and feel, that no circumstance in our situation, none in that of the enemy, can excuse a capitulation so dishonorable and unjustifiable. This too is the universal sentiment among the troops; and I shall be surprised to learn, that there is one man, who thinks it was necessary to sheath his sword, or lay down his musket.

I was informed by general Hull the morning after the capitulation, that the British forces consisted of 1800 regulars, and that he surrendered to prevent the effusion of human blood. That he magnified their regular force nearly five fold, there can be no doubt. Whether the philanthrophic reason assigned by him is a sufficient justification for surrendering a fortified town, an army and a territory, is for the government to determine. Confident I am, that had the courage and conduct of the general been equal to the spirit and zeal of the troops, the event would have been brilliant and successful as it now is disastrous and dishonorable.

Very respectfully, sir, I have the honor to be, your most obedient servant, LEWIS CASS,
Col. 3d reg. Ohio vol.

The hon. WILLIAM EUSTIS,
Secretary of War.

PROCLAMATIONS.

(BY AUTHORITY.)

WHEREAS, The United States are now at war with Great Britain, whose forces are aided by savages of the most ferocious nature—and the frontiers of the state of Ohio are exposed to their cruelties and depredations, as well as to the machinations of traitors and spies—creating discontent among our citizens, and giving to our enemies, information of our situation, force and movements.

In order, therefore, as far as lays in our power, to prevent such cruelties, machinations, treachery and spying,

I issue this my proclamation, exhorting the citizens and inhabitants of the state of Ohio to a strict observance of all their duties as such, requiring all military officers according to their rank, to be strict in their attention to discipline, arms, and order of all those under their command; and to hold themselves in constant readiness for active service.

Also, requiring all magistrates, conservators of the peace, and all civil officers and others, to be vigilant in the apprehension and commitment of such traitors and spies, in order that they may be dealt with according to law.

R. J. MEIGS,
Governor of Ohio.

PICQUA, September 2, 1812.

Fellow citizens,

At a moment like this, I appeal to your valor and patriotism.

Major-general HARRISON will rendezvous a respectable force of Kentucky volunteers at Dayton, on the 15th instant, for a short expedition. Gen. Harrison desires to add to his troops any number of volunteers from the state of Ohio who will serve on an expedition not exceeding 30 days. All those who will embrace this favorable opportunity of dis-

tinguishing themselves under an able commander, and of rendering the state of Ohio a valuable service, will, in their equipments and movements follow the directions of General Harrison hereto subjoined.

R. J. MEIGS,
Governor of Ohio.

VOLUNTEERS WANTED!

Any number of Volunteers, mounted, and prepared for active service, to continue for twenty-five or thirty days, will be accepted, to rendezvous at the town of Dayton, on the Big Miami, on the 15th inst. It is expected that the volunteers will provide themselves with salt provisions and a proportion of biscuits. Those who are unable to provide themselves, will be furnished if possible.

Those brave men, who may give their services on this occasion, may be assured, that an *opportunity for distinguishing themselves will be afforded*—I shall command the expedition in person, and the number of troops will be entirely adequate to the object proposed.

I wish also to hire a number of substantial horses. Fifty cents per day will be allowed for each horse which is provided with a saddle and bridle.

Those patriotic citizens who are unable to afford their personal assistance, will render essential service to their country by furnishing the horses—which must be delivered in Dayton on the 14th instant, to a person who will be authorised to receive and receipt for them.

WILLIAM HENRY HARRISON.

The British are about to send a considerable body of troops from England to Canada—at least orders have been issued for that purpose.

Major general Harrison was received with shouts of applause by the army of volunteers assembled in the state of Ohio. We have full faith that he will do all that is expected of him. The troops are well supplied. It is stated that the whole body, 6000 strong, has marched towards Fort Wayne.

Eight hundred men, consisting of the first battalion of colonel Pearce's regiment of infantry, with several troops of colonel Burn's regiment of cavalry, have moved from their rendezvous near Philadelphia, to the northward.

We are much gratified in being assured of the health and spirits of the troops, regulars, volunteers and militia, on the New-York frontier. All is life and activity in that quarter of the country. The utmost energy appears to pervade every branch of the military department. Arms and men—cannon, ammunition and stores, are moving towards the lakes, from every direction.

Great military preparations are making in Pennsylvania. Several pieces of cannon have been sent to the frontiers, and considerable bodies of volunteers are marching to the various points of attack or defence. There is some stir even in *Delaware*. A valuable company of artillery, commanded by *Caleb P. Bennet* an old veteran of the Delaware line, much esteemed by general *Greene*, for his conduct and courage, has volunteered its service to the president of the United States, and is under marching orders. We are pleased to observe that several other volunteer companies are organizing in that state, where the military spirit has long been dormant.

Four companies of *exempts* have been formed in the western parts of the state of New-York, for the purpose of offering their services to the president, under the act authorising him to accept of 50,000 volunteers.

In Richmond alone, exclusive of Manchester $5282 were raised on the spur of the moment, to provide for the benefit of such persons and their families as may leave the state of Virginia in the service of the United States.

From the various facts that have come to our knowledge we feel warranted in expressing a full belief that 10,000 Americans will be in Upper Canada before the first day of October. The purchase of Detroit will turn out a dear bargain.

Twenty waggons drawn by five horses each, from Pennsylvania, passed through New-York last week, laden with military clothing and supplies, for Albany and the frontiers.

The following from a western paper is truly characteristic of the people of that section of the country:

"A CARD.—Colonel Symmes, of the senior division of the Ohio militia, presents his respectful compliments, to major-general Brock, commanding his Britannic majesty's forces *white* and *red*, in Upper Canada.

Colonel Symmes observing that by the 4th article of capitulation of fort Detroit to maj. gen. Brock, all public arms moving towards fort Detroit, are to be delivered up; but as no place of deposit is pointed out by the capitulation, *forty thousand stand of arms*, coming within the description, are at the service of maj. gen. Brock, if his excellency will condescend *to come and take them.*"

Gen. Bloomfield with 2000 regulars, is at Plattsburg, N. Y. The forces at head-quarters near Albany are continually fluctuating—at our last accounts they amounted to 3000 men.

A company of volunteers with a *Canada destination*, has been formed in Petersburg, Va. They are spoken of as a body of excellent young men. *Hull's* surrender has electrified the nation. Incidents of this nature are occurring in all parts of the country. From *Baltimore* there will also march for *Canada*, in a few days a little band of heroes. Some of them are now encamped a short distance from the city. It will become our duty to notice the circumstance hereafter.

The recruiting service goes on actively in Tennessee. The quota of men expected from this state, will soon be complete.

Gen. *Hull's* official statement may be expected in our next paper. His aid-de-camp is reported to be on his way to Washington city. It is stated, also, that general Hull was on his way to Albany, on parole.

NAVAL.

Letter from Commodore Rodgers to the Secretary of the Navy.

U. S. Frigate President, Boston, Sept. 1, 1812.

SIR,—I had the honor yesterday of informing you of the arrival of the squadron, and have now to state the result and particulars of our cruise.

Previous to leaving New-York on the 21st of June, I heard that a British convoy had sailed from Jamaica for England on or about the 20th of the preceding month, and on being informed of the declaration of war against Great Britain, I determined, in the event of commodore Decatur joining me with the United States, Congress and Argus, as you had directed, to go in pursuit of them.

The United States, Congress and Argus, did join me on the 21st; with which vessels, this ship and the Hornet, I accordingly sailed in less than an hour after I received your orders of the 18th of June, accompanied by your official communication of the declaration of war.

On leaving New-York I shaped our course southeastwardly, in the expectation of falling in with

vessels, by which I should hear of the before mentioned convoy, and the following night met with an American brig that gave me the sought for information; the squadron now crowded sail in pursuit; but the next morning was taken out of its course by the pursuit of a British frigate, that I since find was the Belvidera, relative to which I beg leave to refer you to the enclosed extract from my journal;* after repairing as far as possible the injury done by the Belvidera to our spars, and rigging, we again crowded all sail and resumed our course in pursuit of the convoy, but did not receive further intelligence of it, until the 29th day of June, on the western edge of the banks of Newfoundland, where we spoke an American schooner, the master of which reported that he had two days before passed them in lat. 43, lon. 55, steering to the eastward. I was surprised to find that the convoy was still so far to the eastward of us, but was urged, however, as well by what I considered my duty as my inclination, to continue the pursuit.

On the 1st of July a little to the eastward of Newfoundland bank, we fell in with quantities of cocoa nut shells, orange peels, &c. which indicated that the convoy were not far distant, and we pursued it with zeal, although frequently taken out of our course by vessels it was necessary to chase, without gaining any further intelligence until the 9th of July, in lat. 45, 30, lon 23, we captured the British private armed brig Dolphin, of Jersey, and were informed by some of her crew, that they had seen the convoy the preceding evening, the weather was not clear at the time, but that they had counted 85 sail, and that the force charged with its protection, consisted of one two decker, a frigate, a sloop of war and a brig.

This was the last intelligence I received of the before mentioned convoy, although its pursuit was continued until the 13th of July, being then within 18 or 20 hours sail of the British channel.

From this we steered for the Island of Madeira, passed close by it on the 21st of July, thence near the azores, and saw Corvo and Flores; thence steered for the banks of Newfoundland: and from the latter place (by the way of Cape Sable) to this port, it having become indispensably necessary (by the time we reached our own coast, to make the first convenient port in the United States; owing, I am sorry to say, to that wretched disease the scurvy, having made its appearance on board of the vessels, most generally to a degree seriously alarming.

From the western part of the banks of Newfoundland to our making the island of Madeira, the weather was such, at least six days out of seven as to obscure, from our discovery, every object that we did not pass within four or five miles of, and indeed for several days together the fog was so thick as to prevent our seeing each other, even at cable's length asunder, more than twice or thrice in the twenty-four hours.

From the time of leaving the United States until we arrived here, we chased every vessel we saw, and you will not be a little astonished when I inform you that, although we brought too every thing we did chase, with the exception of four vessels, we only made seven captures and one re-capture.

It is truly an unpleasant task to be obliged to make a communication thus barren of benefit to our country; the only consolation I individually feel on the occasion being derived from knowing that our being at sea obliged the enemy to concentrate a considerable portion of his most active force and thereby prevented his capturing an incalculable amount of American property that would otherwise have fallen a sacrifice.

I am aware of the anxiety you must have experienced at not hearing from me for such a length of time, but this I am sure you will not attribute in any degree to neglect, when I inform you that not a single proper opportunity occurred from the time of leaving the United States until our return.

Mr. Newcomb, who will deliver you this, you will find an intelligent young man, capable of giving such further information as you may deem of any moment: he will at the same time deliver you a chart, shewing the track in which we cruised: Annexed is a list of vessels captured, re-captured and burnt.

The four vessels we chased and did not come up with were, the Belvidere, a small pilot-boat schooner supposed to be an American privateer, the hermaphrodite privateer brig Yankee, which we lost sight of in a fog, but whose character we afterwards learnt, and a frigate supposed to be British, that we chased on the 28th ult. near the shoal of George's Bank, and should certainly have come up with, had we have had the advantage of two hours more daylight.

On board of the several vessels of the squadron there are between 80 and 100 prisoners, taken from the vessels we captured during our late cruize:—The government not having any agent for prisoners here, I shall send them to commodore Bainbridge, to be disposed of in such manner as best appears to be the interest of the United States, and which I hope may meet your approbation.

With the greatest respect,
I have the honor to be, sir,
Your obedient servant,
JOHN RODGERS.

The hon. PAUL HAMILTON,
Secretary of the Navy,
Washington.

Copies of letters received at the Navy Department from captain PORTER, of the United States frigate Essex, of 32 guns.

AT SEA, August 17, 1812.

SIR,—I have the honor to inform you that on the 13th his Britannic majesty's sloop of war Alert, captain T. L. P. Laugharne, ran down on our weather quarter, gave three cheers and commenced an action (if so trifling a skirmish deserves the name) and after 8 minutes firing struck her colors, with 7 feet water in her hold, much cut to pieces, and three men wounded.

I need not inform you that the officers and crew of the Essex behaved, as I trust all Americans will, in such cases, and it is only to be regretted that so much zeal and activity could not have been displayed on an occasion that would have done them more honor. The Essex has not received the slightest injury.

The Alert was out for the purpose of taking the Hornet!

I have the honor to be,
With great respect,
Your obedient servant,
(Signed) D. PORTER.

Hon. PAUL HAMILTON,
Secretary of the Navy, Washington.

AT SEA, August 20, 1811.

SIR—Finding myself much embarrassed by the Alert, from the great number of prisoners we have already made (about 500) I concluded that before our arrival in America the number would be considerably augmented, and as I found my provisions and

* Vide last number.

water getting short, and being well satisfied that a plan had been organized by them for rising on the ship in the event of an engagement; I conceived it to be the interest of my country to get clear of them as speedily as possible, particularly as I was well assured that immediately on their arrival in St. John's, an equal number of my countrymen would be released and find a sure and immediate conveyance. I, therefore, drew up written stipulations corresponding with the accompanying letters; threw all the guns of the Alert overboard; withdrew from her all the men belonging to the Essex; appointed lieut. J. P. Wilmer to command her as a cartel, put all my prisoners on board her, and dispatched her for St. Johns, in Newfoundland, with orders to proceed from thence to New-York, with such Americans as he may receive in exchange.

At a more suitable opportunity I shall do myself the honor to lay before you copies of every paper relative to this transaction, and sincerely hope that my conduct in this affair may meet with your approbation.

As the Essex has been so annoying about Bermuda, Nova Scotia and Newfoundland, I expect I shall have to run the gauntlet through their cruisers; you may, however, rest assured, that all a ship of her size can do shall be done, and whatever may be our fate, our country shall never blush for us.

I have the honor, &c.

(Signed) D. PORTER.

Hon. Paul Hamilton,
Secretary of the Navy, Washington.

[The following are the papers accompanying the preceding, viz. my two letters to captain Laugharne, with his answer, verbal and written, to the first; a copy of the passport given to lieut. Wilmer, and a copy of captain Laugharne's certificate, certifying to the number of prisoners put on board the cartel Alert.]

August 18, 1812.

SIR—An arrangement has suggested itself to me, which, in my opinion, is calculated to advance the interest of the United States as well as that of his Britannic majesty, and if acceded to by you, shall be immediately put in execution: should you object to the terms, they will not, after this, be repeated, and the treatment usual to prisoners of war, will in future be observed towards your crew.

Art. 1. The Alert to be deprived of all her armament, and to proceed under charge of an officer of this ship, as a cartel to such British port as you may deem most advisable, and to take your officers and crew, together with the British captains and mates of merchant vessels, with their crews, now prisoners on board this ship.

Art. 2. The officers to go on parole of honor, not to serve against the United States of America during the existing war, until regularly exchanged. The captains and mates of merchant vessels, and their crews, as well as the petty officers, seamen, marines, landsmen and boys, composing your crew, to be exchanged immediately on their arrival in a British port, for an equal number of equal grades of American prisoners, and are not to serve against the United States until the exchange takes place.

Art. 3. The swords of the officers to be returned to them.

Art. 4. You to remain as a pledge for the faithful fulfilment of the foregoing articles.

I have the honor to be, &c.

(Signed) D. PORTER.

Capt. T. L. P. Laugharne, late
commander of H. B. M's sloop of war Alert—prest.

After delivering the preceding letter to captain Laugharne, he verbally informed me "that his officers preferred remaining with him, and sharing his fate, and as he was confident some of his ship's company were much prejudiced against him, he did not wish them to go to Newfoundland, until he could be present to appear in his own justification, before they could have an opportunity of injuring his honor and reputation as an officer, both of which he held as inestimable, and as a court-martial could not take place in his absence." He then wrote me the following letter:

August 18, 1812.

SIR—I have the honor to acknowledge the receipt of your letter of this day's date, offering an arrangement for the officers and crew of his majesty's late sloop Alert.

In answer thereto, I beg leave to inform you that I accept and agree to the first, second and third articles, but permit me to mention my objection to the last, as it seems by your requiring me to remain as an hostage for the performance of the preceding ones, to cast (though I am willing to believe unintentionally) an indirect suspicion on the faith of the British government, so universally known for its fulfilment of every compact entered into by its public servants.

By your allowing me to accompany my ship's company and officers, I will pledge to you mine honor to see the articles of our release fully complied with on our arrival in a British port.

Should you object to this, my officers prefer remaining with me till we are regularly exchanged.

I have the honor to be, &c.

(Signed) T. L. P. LAUGHARNE,
late commander of H. M's sloop Alert.

Capt. D. Porter,
U. States' frigate Essex.

August 18, 1812.

Sir—In reply to one paragraph in your letter in answer to the terms offered by me I shall observe that, having on two former instances permitted cartels to proceed to British ports without reserving hostages, I have sufficiently evinced that I entertained the highest confidence in the honor and faith of the British government as respects the fulfilment of compacts entered into by their officers; nor should I have proposed the last article in this instance were it not that I felt a necessity for holding some pledge as a justification of my conduct to my own government for the unlimited confidence I have reposed: For the reasons (however) that you have stated I am willing to yield that condition; and you may consider yourself at liberty to proceed with your officers and crew, and on the same terms.

I have the honor, &c.

(Signed) D. PORTER.

Capt. T. L. P. Laugharne,
Late commander of his B. M.
sloop of war Alert—Present.

[Here follow copies of the agreement, passport, &c. and a list of the prisoners.]

At sea, September 1, 1812.

Sir—On the afternoon of the 30th August, in latitude 36 N. longitude 62, W. discovered one of the enemy's frigates standing towards us under a press of sail, apparently with an intention of speaking us. Stood for him under easy sail, with the ship prepared for action; apprehensive that he might not find us in the night, I hoisted a light. At 9, he made a signal, consisting of two flashes and one blue light, apparently about four miles distance from us. I continued to stand on for the point where they were seen until midnight, when not getting sight of the enemy, I concluded that it would be best to heave to for

him until day light, presuming that he had done the same, or that he would at least have kept in our neighborhood; but to my great surprise and the mortification of my officers and crew (whose zeal on every occasion excites my admiration) we discovered in the morning that the bird had flown! From the latitude and longitude in which we saw this vessel, and from her fleetness, which enabled her to disappear so soon, I think it not unlikely that it was the Acasta, of 50 guns and 350 men, sent out with so much parade, accompanied by the Ring Dove of 22 guns, to cruize for the Essex! Perhaps, however, she went to seek her consort.

I have the honor to be, with great respect, your obedient servant, D. PORTER.

Hon. PAUL HAMILTON,
Secretary of the Navy.

At sea, Sept. 6, 1812.

SIR—On the 4th inst. off the Tail of St. George's Bank, I discovered two ships of war to the southward, and a brig to the northward—the brig in chase of an American merchant ship, and I have not the slightest doubt of their being enemies—gave chase to the brig, which attempted to get past us to join the rest of the squadron; this we prevented and compelled her to stand to the northward; continued in chase until we got abreast the American ship, when we gave over chase as the wind was getting light and the brig leaving us with her sweeps out. On shewing our colors to the American ship, several signal guns were fired by the ships to the southward, which made all sail in chase of us. At 4 P. M. they had gained our wake and had come up with us very fast. Calculating on making my escape by some manœuvre in the course of the night, I hoisted American colors and fired a gun to windward; the ships still continuing to gain on us, and the largest being considerably to windward of the other and about 5 miles astern of us, bearing S. by W. I determined to heave about as soon as it grew dark, and in the event of our not being able to pass him, to fire a broadside into him and lay him on board. With this view, made every arrangement and preparation, the crew in high spirits, and gave three cheers when the plan was proposed to them. At 20 minutes after 7, hove about and stood S. E. by S. (the wind heading us off the moment we hove in stays) until 30 minutes after 8, when we bore away S. W. without seeing any thing more of them, which seems the more extraordinary as a pistol was fired by accident on board this ship at the moment when we must have been at our shortest distance from them. Finding myself thus cut off from New-York and Rhode-Island, I made the best of my way for the Delaware.

Considering this escape as a very extraordinary one, I have the honor to enclose you a sketch of the position of the ships at three different periods, by which you will perceive at once the plan of effecting it.

I have the honor to be, with great respect, your obedient servant, D. PORTER.

Hon. PAUL HAMILTON,
Secretary of the Navy.

Mouth of the Delaware, Sept. 7, 1812.

SIR—In pursuance of your orders of the 24th June, I sailed from Sandy Hook on the 3d July, shaping my course to the southward; in the lat. of 30, 52, N. long. 66, 16, W. I captured the brig Lamprey, 21 days from Jamaica, by her I received certain intelligence that at the time of her departure the Thetis frigate with specie and a large convoy for England was to sail on or about the 26th of June, and that several running ships were also on the point of departure. I consequently made every exertion to get off St. Augustine in time to fall in with them, but without effect, as fresh gales prevailed from the south west, and increased until the 19th July, when we were compelled to scud. I succeeded in getting within a few miles as far south as St. Augustine, but was baffled in every attempt to get to the westward; as the gales continued to increase, and as there was no probability of getting there in time to meet the convoy, I concluded it best to endeavor to intercept it on the banks of Newfoundland, to which place I proceeded, taking Halifax in my way, and although I have been disappointed in my expectations, I hope that the facts above stated and the services rendered by the Essex may be considered a sufficient apology for departing from the letter of your instructions.

It is much to be regretted that I had not with me a sloop of war at the time I fell in with the convoy of the Minerva, (as well as on other important occasions) that the ships of the convoy might be kept in play while I engaged the frigate. Had this been the case, instead of taking only 200 prisoners, including the transports' crew, I have not a doubt that we should have made prisoners of the whole of the troops, as well as the frigates and transports' crews, which would have exceeded 2000 men.

I have the honor to be, with great respect, &c.
D. PORTER.

Hon. PAUL HAMILTON,
Secretary of the Navy.

It is stated in a Philadelphia paper that captain Hull, in consequence of the decease of his brother, has requested permission to remain on shore a short time to settle his affairs. He is succeeded in the command of the Constitution *ad interim*, by captain Bainbridge.

We learn that several vessels of war were about to leave England for the American station and coast.—Admiral *North West* will, however, prevent them from remaining long with us, this season. An official account of our declaration of war reached London the 29th of July.

An embargo on American vessels was laid in England on the 31st of August. A certain person named Samuel Pierce, of Cape Cod, Massachusetts, has left his family, went to *Halifax*, obtained a commission, and is now cruising off the eastern coast as commander of a *British* privateer. He has captured the ship Factor of Providence, R. I. We hope to have a better account of captain Pierce before long.

One hundred and fifty batteaux, constructed by order of government, are chiefly finished, on lake Champlain. They are 37 feet long, 8 broad and will carry fifty men. Five merchant vessels have also been purchased, which will be immediately armed to preserve the command of the lake. A considerable number of ship carpenters have also left New-York for the shores of lakes Erie and Ontario, to build by contract several vessels for the United States service.

The Dromo, which captured the Guayana of 8 guns and 15 men, (see no. 158) is only of 27 tons burthen, with 1 gun a six pounder, and 28 men.

Lieut. Crane, with the crew of the late U. S. brig Nautilus, six of the men excepted, has arrived at Boston in a cartel from Halifax. These six, charged with being British subjects, were put in irons, to be sent to England and tried for their lives. The fact being made known to com. Rodgers, he stopped a cartel passing from Boston for Halifax with 120 prisoners, and detained *twelve* of them as hostages for the *six* Americans. This is as it should be, and the measure will be supported by the government and the people; and the trial be made whether *our* na-

turalization laws are not as good and valid as the naturalization laws of the enemy.

Ogdensburg, September 1.—On Wednesday last the vessels lying in this port, ten in number, sailed for the lake. They have for their defence 1 thirty two pounder, 3 six pounders, 2 long four pounders and 2 swivels. Several of the troops stationed here volunteered to man the vessels.

Several vessels from England having British protections, have been sent into Halifax—the following extract of a letter, from that place shews their present condition—

Halifax, September 1, 1812.—"Since mine of the 29th August I have had an interview with admiral SAWYER—he informs all the ships having protections from the British government, must remain here without trial until he receives instructions concerning them from *England*, and is of opinion they will all be released very soon."

From the Log-book of the schooner High-Flyer, of Baltimore.

On the 26th of July, off the Double-headed Shot Keys, at half-past 4 P. M. discovered a sail standing N. and W. gave chase; at 7 P. M. came up with and boarded the British schooner Harriet, in ballast, from New-Providence bound to Havanna, carried 3 black men and 1 boy, two gentlemen and one lady, passengers—put on board captain Taylor as prize-master, and ordered her for the first port in the United States. The next day the captain of the Harriet informed captain Gavet that there was money concealed on board—we boarded her and found 8,000$ in specie—next day, stood through the gulf. On the 19th August, lat 9, 22, at 6 A. M. discovered a fleet bearing S. S. W. distant 2 leagues; wore ship and made sail, endeavoring to get to the windward, for the purpose of reconnoitring them—next day at half-past 1 P. M. the frigate from the fleet gave chase to us, steering various courses—at 5 P. M. dropped him, still pursuing the fleet—at 6, saw the fleet bearing N.—the next day, (21st) at 5 P. M. wind moderate, brought to and boarded British ship Diana, Harvey, one of the Jamaica fleet, bound to Bristol, burthen 333 tons, laden with sugar, rum, coffee, &c. received her crew on board, and sent a prize-master and ten men on board, and ordered for the first port in the United States. At the same time, two other sail in sight; at 6 A. M. bore down on them, fired 3 or 4 shot at them, which were returned by both ships—22d, at P. M. engaged the two ships at half-gun shot, and after firing on them upwards of 60 shot, breeze blowing fresh, not thinking it safe to board them, at 4 P. M. hauled off—next day at 4 P. M. wind moderating, bore down and engaged the sternmost ship, called the Jamaica, of Liverpool, captain Neill, of 7 guns, 21 men, 365 tons, in co. with the ship Mary & Ann, of London, captain Miller, mounting 12 guns, 16 or 18 men, and 329 tons burthen; when within musket shot, we commenced a brisk fire from our great guns and musketry, which was returned with great courage and resolution from both ships—the engagement lasted 20 minutes, when we boarded and carried the Jamaica, the Mary and Ann striking her colors at the same time. It is with pleasure we state that every man and officer acted with great courage and coolness, but we are sorry to announce, that captain Gavett was unfortunately wounded about the middle of the engagement by a musket ball which passed through his right arm; also one ordinary seaman slightly wounded in the cheek.—The Highflyer received several shot in her sails, gib, and flying gib-stay shot way, her fore-mast wounded. Manned both ships; put Mr. Brown (prize-master) and 8 men on board the Mary & Ann, and Mr. Grant and 14 men on board the Jamaica, and ordered them for the first port in the United States. Both ships richly laden with sugar, coffee, rum and logwood, &c. Several of their seamen were wounded, but none killed. ☞ The prizes have safely arrived.

The Surrender of Detroit.

We felt it due to truth—to government—to general *Hull*, and to all persons directly or indirectly concerned with the facts or circumstances leading to the shameful capitulation at Detroit, to suspend our opinion until a sufficiency of light was afforded to chase away the doubts and shadows that rested on the strange transaction. But doubt has resolved itself into certainty—we no longer hesitate to join in opinion with the *whole people* of the west, "of every sect or persuasion, religious or political," that the army at Detroit was treacherously surrendered; and that general *Brock*, instead of general *Hull*, ought to have been the prisoner. This idea is powerfully enforced by many private letters from gentlemen of the first respectability in the state of Ohio, who had opportunity of knowing the verity and strength of the opinion advanced; but the detail by colonel Cass (see page 37) is conclusive—it is besides supported by a host of testimony in all the substantial facts it exposes.

These premises admitted, and we cannot perceive how they are to be refuted, imperiously call us to watchfulness and vigilance. Gen. *Hull* went into the army with high popularity—so did *Arnold*; that both were purchased there is too much reason to believe. Who then shall resist the powerful influence of Britain?—Thus, during the revolutionary war, she attempted to purchase every man worth possessing—to every distinguished patriot she offered the accursed price of treachery;—for the truth of this we appeal to the journal of the old congress, and to the living testimony of many grey-headed men who indignantly spurned at the ignominious propositions of the "mother country." It is the favorite means by which Great Britain fights on the land; and the uncounted millions of her *secret service money*, squandered on harlots and rogues, at home and abroad, may give an idea of her exertions in this way. A great deal has been spent in America, among the native *white* as well as *red* men.

Col. *Cass's* statement will make every honest man's blood boil with indignation—it will teach him the absolute necessity of rallying round the standard of the republic, so meanly and treacherously assailed—attacked at once, by insidious foes within as well as from without—*savages* of various complexions. Urged by this sensibility, the nation has rushed to arms; and Great Britain and her friends will find too late, that "honesty is the best policy"—for the determination of the people to avenge the treachery will prove irresistable. *Hull's* surrender will drive into the field at least 20,000 patriots who might have viewed the war with comparative indifference, had it been fairly waged.

In the official details (not a word has yet been received from gen. *Hull*) the leading facts are inserted—the following incidents are gathered from other sources apparently worthy of credit—

A letter from Lewistown Niagara river says—"The British officers that have crossed in a flag, express their astonishment that Hull should have surrendered in a manner so disgraceful to the American flag. It is also said that it was with the utmost difficulty he could be kept from the indignation of his soldiers who attempted to use violence to his person."

Another letter to a gentleman at Pittsburgh from Ohio, declares, that when some of the American

officers were complaining of their unfortunate disaster, gen. *Brock* said——"we despise the man but make use of the traitor."

When col. *M'Arthur's* sword was demanded he broke it into three pieces, tore his epaulets from his shoulders and stamped them on the ground, and, overcome with mortification, threw himself upon the earth and wept. His brave spirit will have satisfaction for this outrage upon it.

The state of the Canadians, who joined the American standard, was dreadful, no provision was made for them. They were abandoned to the gallows, and it was expected that 50 or 60 of them would be hung by the British. One of them, said to be a man of great wealth and consequence, blew out his brains in the streets of Detroit, on being assured of the surrender. Other cases of a similar nature are mentioned.

Among the cannon so basely given up were the brass pieces so bravely won by *Stark* at *Bennington!*

The fact of paying for *scalps* at six dollars each, seems clearly established. Col. *Elliott* our *old friend*, long famous for his influence with the savages and, perhaps the chief cause of all the murders on our frontiers, has given great encouragement to the Indians to persevere. We trust however that the powerful forces collected, and collecting, will break up this horrible alliance of pretended christians with virtual devils, *brothers in assasination*. The employment of these "*horrible hell hounds of war*" as the indignant *Chatham* called them, must be prevented by extermination. Britons found fighting in honorable combat, we hope will be treated with the utmost tenderness compatible with the safety of their persons; but every one taken by the side of a savage should be put to instant death. Partial evil is sometimes general good, and violent diseases demand violent remedies.

The following paragraphs are extracted from the *Albany Register* given on the credit of officers in the army of the N. W.—

"A private of the Ohio militia was slightly wounded, and taken prisoner by the Indians. He was carried by them within a few rods of *Fort Malden*—and there in presence of the British surrounded by the Indians, and tortured in the most barbarous manner. He was finally dispatched by a squaw (more merciful than the rest) who plunged a tomahawk in his brains."

"A British officer, with two savages, came up to lieutenant Goodwinn, of the 4th regiment, and witnessed the exhibition of *American Scalps*, with all the frantic grimaces of which these sons of Moloch are capable."

"Capt. Fuller of the 4th regiment, while walking on the green skirting the road, to avoid the dust, was accosted by a British major, Sammons, "*Take the middle of the road or I'll hew you down, you d—d Yankee rascal.*"

"Capt. Snelling, who behaved so valiantly at Tippacanoe, and since, at the engagement near Brownston, was also treated in the most brutal manner. When he applied for permission to speak to his lady (with whom he had been connected only a few days) and render her some attentions—he was tauntingly refused, was turned into the ranks, and subjected to every indignity. Capt. Snelling observed to them that he was in their power, and expected not such cowardly insult when disarmed; but hoped again to meet them at the head of his company, and have the honor of again driving them at the point of the bayonet, as he did a few days before in the woods of Brownston."

The Spirit of the Nation

Is completely aroused by the shameful surrender of general Hull. The whole western country is in a flame of patriotic resentment. The back counties of *Pennsylvania*, are making the most honorable exertion to redeem the character of our country. Volunteer companies, having in their ranks the most distinguished citizens, members of congress, generals, colonels, and other officers of the militia, are rolling to the frontiers, in force sufficient to look down opposition, if duly supplied with the munitions of war, for which the most energetic measures have been adopted. An army of 4000 men was collected at *Urbanna*, on the 25th ult. expresses had been sent out in all directions for cannon, &c. and in a few days, it was expected, that nearly 10,000 men, completely equipped, would rendezvous in the frontier towns of Ohio, and immediately march to Detroit, under the command of Harrison, Winchester and Payne. We have now no fears for the safety of patriotic *Ohio*—the merciless Indian, with his more cruel principal, will be brushed away by the besom of destruction. The posts so disgracefully lost, will be regained, and the flag of the United States float a second time in Canada before the present month expires. The ways of Providence are inscrutable; apparent ills are oftentimes real blessings; and the strange conduct of general *Hull* may lead us the direct road to success. Our letters from the westward are of the most cheering nature. The people of all descriptions have seized their arms; and are determined to use them to avenge the wrongs of their country. Let them have a leader of honor and capacity, and the downfal of Malden, with the subjugation of all Upper Canada, is immediate; the wilderness, the scene of savage barbarity, shall howl with the groans of the murderers, in just retribution for their crimes.

The City of Baltimore.

The city of Baltimore has, lately, been made so much the subject of animadversion, that, we presume, it will not be thought uninteresting to take a slight review of its rise and progress to its present importance. The first attempts to build a town on the Patapsco, it appears, were made by a few planters in the year 1745; but, from whatever cause the failure proceeded, so little progress had been made in the accomplishment of their design, that twenty years thereafter, to wit, in 1765, the number of houses which had been put up, did not exceed *fifty*; and *one brig* constituted the whole shipping of the place.

There is not to be found, perhaps, in the history of any country, certainly not in that of the United States, an instance of such rapidity of growth and improvement, as has been manifested in the city of Baltimore, during the last thirty years. In the course of that short period, it has been raised from absolute insignificance, to a degree of commercial importance, which has brought down upon it, the envy and the jealousy of all the great cities of the union. In 1790 the population of the town of Baltimore, amounted to 13,500 souls, and in 1796 they obtained an act of incorporation, with such restrictions and limitations, however, as render it necessary to refer, even the most common questions of internal policy, to the decision of the state legislature; the mayor being invested with no further power, in addition to those of a justice of the peace, which by virtue of his office he was declared to be, than that of enforcing the execution of the ordinances of the city council, which are much more confined in their lati-

tude than those of almost any other corporation. In 1800, the population had increased to 25,614; and by the census for 1810, it appears that the city and *precincts* contain a population of 47,555 souls; having in twenty years, more than trebled their number. The extent and value of its shipping have increased in the same rapid proportion. In 1790 the whole tonnage of the district amounted to no more than 13,566 tons; in 1798, to 59,837; in 1805, to 72,210; and on the 31st December, 1810, according to the official report from the treasury department, it had increased to the extraordinary amount of 103,444 tons. Thus it will be seen, that, in point of commercial importance it occupies the fourth, and in point of size and population the third place among the cities of the union. The advantages it possesses by nature are well calculated to ensure a progressive prosperity. It is situated about twelve miles from "one of the largest bays in the known world," on the north side of the Patapsco river, which affords at all times a secure and commodious harbor. The principal part of the city is built around what is called the basin, into which vessels of 200 tons burthen, may freely enter; those of a larger size, discharge their cargoes, and for the most part lay at *Fell's Point*, a portion of the city which, though included in the corporation, is in some measure detached from the other parts, by a stream of water which runs through the city, called Jones' Falls, as well as by an interval of vacant lots. This vacant interval, however, is daily lessening, and when Pratt-street, together with two parallel streets to the south, shall be completely opened; (for the accomplishment of which important object, a special law was passed at the last session of the legislature;) there can be no doubt, that, in a few years more, the Town and Point, as they are now distinguished, will be connected by an uninterrupted chain of buildings.

The situation, particularly of the busy parts of the town, is for the most part low; many of the houses being built upon ground recovered from the dominion of the water. But no disadvantages have been found to arise from this circumstance, with respect to the health of the inhabitants: At least, *epidemics* prevail here, as seldom as in any other city, on the continent. The surrounding country rises by gradual acclivity on every side, affording some of the most extensive and delightful prospects that can be imagined. Owing to some local prejudices, the country eastward of the city, through which passes the great road of communication from one extremity to the other of the continent, is neither so thickly settled, nor consequently so well cultivated, as that to the westward and northward. The latter is every where interspersed with gentleman's summer seats, displaying at the same time, elegant specimens of architectural taste, and the most improved state of cultivation.

The public buildings of the city are numerous and well constructed. The new court house is an immense edifice, containing separate apartments, handsomely disposed, for the civil, criminal, admiralty, and orphans' courts; large and spacious chambers for the juries, and the various officers attached to the different courts. The Union Bank: the Baltimore College: the Medical College, a superb edifice lately erected, calculated for the accommodation of five hundred students, and containing appropriate apartments for every branch of science: St. Mary's College and Chapel, the last of which is the neatest building in America, and, perhaps inferior to few in Europe; it is a pure specimen of the Gothic architecture, designed and planned by one of the first artists in the country—the same gentleman is now engaged in superintending the erection of a building for the Commercial and Farmers' Bank of Baltimore: The Theatre has been lately pulled down, for the purpose of erecting a larger and more superb building upon the same scite: the Jail and state Penitentiary both in elegance of appearance and solidity of workmanship, are surpassed by few buildings of the same description in the United States: the churches for the various religious sects are numerous, and many of them are large and elegant.

There are, besides, many magnificent private houses, which furnish, at once, proofs of the distinguished taste and opulence of their owners. Among these may be mentioned the dwellings of Mr. Lorman, Mr. Oliver, gen. Smith, Mr. Gilmor, &c. It is matter of regret to those who consider the reputation of a city as connected with its external appearance, that these buildings as well as most of the public ones, which are calculated to arrest the attention and excite the admiration of the beholder, are so situated as to be entirely out of view from the great thoroughfare of the city; and are therefore unseen, except by those strangers and travellers, who remain long enough in the city to explore its unconnected and irregular streets.

Every part of the city is now supplied with water, which is taken from Jones' falls, about a mile above the city, by means of an open canal, into a reservoir at the head of Calvert-street; whence it is conveyed through pipes, by the aid of another reservoir, to the highest point of the city, where it is collected into one grand reservoir and thence distributed, without the expensive aid of steam-machinery, to the most elevated streets. The company to whose enterprizing exertions the city is indebted for this greatest of all blessings, was incorporated by act of assembly, in 1805, with a capital of $250,000. So great was the demand, at one time, for the stock of this company, that shares were sold at more than *nine hundred per cent.* above *par;* which produced a scene of speculation, for a few days, almost equal to the great *South Seath bubble* in England. That part of the city denominated *Fell's Point*, where the water of the pumps was rarely found pure, has been lately supplied with *spring water* of the best quality, by the liberal and spirited exertions of two individuals—Messrs. Joseph and James Biays; so that every family have it in their power, at a very moderate expense, to furnish themselves with this indispensable requisite to the enjoyment of health. The "city spring," as it is called, was purchased by the corporation in 1810, together with the lot on which it stood, and has been since walled up, and covered with a neat circular building; the ground handsomely laid out, and planted with trees of the most rare and curious species; a small gothic structure of stone, erected for the accommodation of a man employed to keep the whole in order; and the lot enclosed with a light railing. This beautiful spot is resorted to from almost every part of the city, and so much is the water esteemed for its purity, that a man has for many years found himself profitably employed in carting it about the city for sale.

The improvement of the roads and bridges throughout the state, which were long a serious obstacle to the extension of our interior trade, is now rapidly advancing under the fostering care of the legislature. There are four turnpikes leading from the northern and western parts of the city, affording a facility of intercourse with one of the richest back countries in the world. These turnpikes have been all commenced within the last ten years; and one of them now extends almost to the western extremity of the state. An immense capital, which is daily increasing, is employed in the establishment of various manufactories; and for the better promotion of the

patriotic objects of these establishments, several associations are formed for the express purpose of recommending, encouraging, and disposing of their several productions. More than 1700 persons associated together in 1809, for the encouragement of domestic manufactures, agreeing to wear nothing but the produce of their own country. The 'Union Manufacturing Company' have a capital of 1,000,000 of dollars, and give employment to more than forty poor families, comprising at least the number of 500 persons. There are two other very respectable establishments for manufacturing cotton, with another for wool, in the vicinity of the city; whose increase in manufactures, in their various branches, has been as rapid as the growth of its population.

The value of the interior trade to Baltimore may be estimated by the annual amount of exports of domestic produce. The amount for the last year exceeded four millions of dollars. Possessing so many natural advantages, with a population capable of appreciating them, and sufficiently enterprising to seize upon every occasion of improving them, it is by no means wonderful, that our city should have become an object of envy and of jealousy, and our citizens the theme of calumnious abuse. Many, even of the citizens of Maryland, led away by chimerical fears, of the growing influence of the city in the general concerns of the state, have freely participated in the indulgence of these hostile passions. And losing sight of the immense advantages they possessed, in having a market for the sale of all their productions, easy of access by land or water, and situated, as nearly as possible in a common centre, they have joined in all the virulence of invective, heaped upon our devoted city from every quarter. These unnatural and inimical feelings are chiefly to be ascribed to the unwearied efforts of a certain set of men, to drag into the overwhelming vortex of political strife, every subject of difference of opinion, however local or trivial.

It was not our intention to have added any thing, to what has already been said, concerning the late melancholy occurrences in our city; but we cannot forbear, in this place, to caution our distant fellow-citizens, against lending a too credulous ear to the many fabrications in daily circulation, in form of 'extracts of letters from Baltimore, &c.' Some of the falsehoods thus propagated, are too ridiculous to deserve or to require contradiction, while others, wrapped up in dark hints and inuendoes, ingeniously calculated to entrap the attention of the unsuspicious, have had the effect of producing impressions, hostile to truth and prejudicial to the reputation and character of the city. Thus the design of the enemies of our prosperity, whether residing in Philadelphia, or elsewhere, is partially accomplished; the credit lost to Baltimore, reverts to them.

The ordinary course of justice has been represented as impeded, by a fearful subjection to the will of a mob. It has been said, and unblushingly repeated from one end of the union to the other, that the grand inquest of the county, deterred from entering upon the duties of their station, had demanded and obtained the dissolution of the court. That the respectable citizens of all parties had abandoned their homes with alarm, and left the city to the unrestrained depredations of French and Irish ruffians. That the mayor, attorney-general and brigadier-general, so far from discovering any disposition to perform the duties of their respective offices, were, in fact, the ringleaders and abettors of every riotous and disorderly movement. That Baltimore was a new Sodom; that the barriers of property were broken down; that the post-office was closed; and that no decent man, who valued his life, would dare venture into the streets. All this and more has the city of Baltimore borne, with silent patience. It has trusted, and it still trusts, that the unremitted discharge of all the civil functions of its officers; the *uninterrupted* session of the grand jury and of the criminal court, for nearly three months; the unresisting acquiescence of the people in their judicial decisions; the *unattempted* safety of the post-office; and the perfect order and quiet which have remained unbroken, since the 28th July: will furnish to the world the most unequivocal evidence of the design of its enemies, and the base effrontery with which they have fabricated the most unfounded lies, to suit their purposes.

It has suited the views of the persons above alluded to, for many years, to represent this city as the "head-quarters of mobocracy"—as a place, at all times, under the control of a mob; and hence, the public mind was duly prepared to receive the most terrible representations of the state of society here. For nearly seven years I have resided in Baltimore, and until the destruction of the office of the *Federal Republican* in Gay-street, in June last, never saw any thing like a mob, unless the futile attempt of a few individuals to tar and feather and impudent and miserable wretch, 4 or 5 years ago, could be so termed—and *that* was resisted an immediately suppressed by the united efforts of the people. Fifteen thousand persons assembled to burn the gin that had paid a *tribute to England*—this was *zealously* called a mob, though they dispersed with as much comparative order as if they had been returning from a church. Six thousand men met together and formed the most splendid procession in honor of the 4th July, that ever was witnessed: from the beginning of time to the present day, so large a body never assembled on a similar occasion, and returned to their homes in a more orderly manner; but this also was called a mob. Party feelings and local envy have united to the injury of Baltimore; though, heaven knows, we have no design to palliate the doings on either side, on the 27th and 28th of July. We could name a city in which more fatal enormities have been committed, the mere act of forcing the jail excepted—nay, perhaps, we might find a parallel case of THAT nature, in a neighboring state, by which many, very many, lives were lost. We do not wish to recriminate, or we might mention an instance wherein five or six houses were pulled down in one night in a city remarkable for its peaceable behavior. Such things, in despite of every effort of common prudence, always to be deplored, will sometimes happen in large cities—and hitherto, though Baltimore had the name of being governed by a mob, it was, perhaps, in reality, as quiet as any other commercial town of its size in the world. We feel humbled for the dignity of human nature, while we express a full belief, that several persons have been employed, *on day's wages*,* to ride through several parts of Maryland, but particularly through some adjacent counties in *Pennsylvania*, to detail and retail the most horrible falsehoods, for the injury of Baltimore in its *mercantile* and political character. Against such ungenerous proceedings nothing can guard us, but the good sense of the people, built upon the true state of things, as may be ascertained by *honest* enquiries, which we desire every man to make for himself.

We shall only add, that the mayor and brigadier-

* I have not made this remark without due consideration. It is of such a nature as may forever remain unsupported by positive testimony—but from what I have heard, I cannot account for the proceedings of certain persons on *any other* supposition.

general, who have been so much abused, are two of the most respectable and amiable men living, and always considered, by all parties, as capable of honoring any company they pleased to associate with, however exalted its pretensions to gentility might be. They have been universally esteemed as men, and never had any other than political enemies.—It is useless to say that such men are incapable of being concerned in the horrible crimes they are said to have committed. The attorney-general, better known to the people at large, may safely rest his good fame upon the public voice.

Useful Political Table.

From Mnemonika.

PRESIDENTS OF THE UNITED STATES.

George Washington elected,	1789
——— re-elected,	1793
John Adams elected,	1797
Thomas Jefferson elected,	1801
——— re-elected,	1805
James Madison elected,	1809

VICE PRESIDENTS.

John Adams elected,	1739
——— re-elected,	1793
Thomas Jefferson elected,	1797
Aaron Burr elected,	1801
George Clinton elected,	1805
——— re-elected,	1809

HEADS OF DEPARTMENTS OF THE U. STATES.

Alexander Hamilton, secretary of the treasury from Sept. 10, 1789, [to Jan. 31, 1795.

Oliver Wolcott,	do.	from Feb. 1, 1795, to Dec. 31, 1800.
Samuel Dexter,	do.	from Jan. 1, 1801, to May 6, 1801.
Albert Gallatin,	do.	from May 14, 1801, to ———

Thomas Jefferson, secretary of state, from March 22, 1790, to Dec. [31, 1793.

Edmund Randolph,	do.	from Jan. 1, 1794, to August 20, 1895.
Timothy Pickering,	do.	from Dec. 10, 1795, to March 31, 1800.
John Marshall,	do.	from May 13, 1800, to Feb. 3, 1801.
Levi Lincoln, (acting as)	do.	from March 5, 1801, to May 1, 1801.
James Madison,	do.	from May 2, 1801, to March 3, 1809.
Robert Smith,	do.	from March 6, 1809, to March 31, 1811.
James Monroe,	do.	from April 1, 1811, to ———

Henry Knox, secretary of war, from July 1, 1795, to Dec. 31, 1794.

Timothy Pickering,	do.	from January 1, 1795, to Dec. 9, 1795.
James M'Henry,	do.	from Jan. 27, 1696, to May 31, 1800.
Samuel Dexter,	do.	from June 1, 1800, to Dec. 31, 1800.
Henry Dearborn,	do.	from March 5, 1801, to Feb. 16, 1809.
William Eustis,	do.	from March 7, 1809, to ———

Benjamin Stoddert, secretary of the navy, from May 21, 1798, to [March 31, 1801.

Robert Smith,	do.	from July 15, 1801, to March 5, 1809.
Paul Hamilton,	do.	from March 6, 1809, to ———

American Prizes.

(WEEKLY LIST,—CONTINUED FROM PAGE 31.)

164. Ship Elizabeth, 10 guns, 12 pounders, from Jamaica for England, laden with 328 hhds. sugar, some tierces and bbls. of do. with a quantity of coffee and ginger, &c. sent into Charleston by the Sarah-Ann of Baltimore, after a smart action, in which four men were wounded on board the ship, and two on board the privateer.

165. Schr. James, from Porto-Rico for Martinique, in ballast, sent into Baltimore by the Dolphin of that port. The Dolphin had destroyed several droggers.

166. Brig Pursuit, from Poole for St. Andrews, sent into Portland by the Rapid privateer.

167. Brig Tay, from Dundee for Pictou, N. B. sent into do. by do.

168. Ship Britania, 6 guns, 350 tons, a new vessel in ballast, from Portsmouth, E. for Halifax, sent into ———, by the Thrasher privateer.

169. Brig Howe, 6 guns, in ballast, from Penzance for Pictou, sent into Portland by the Dart, of that port.

170. Brig Elizabeth, of Liverpool, 165 tons, laden with coal and salt, sent into Newport, R. I. by the Decatur privateer.

171. Ship Jamaica, of Liverpool, from Jamaica bound home, burthen 365 tons, carrying 7 guns and 21 men, richly laden with sugar and other West India produce, sent into Baltimore, by the Highflyer of that port.

172. Brig ALERT, a sloop of war of 20 guns, captured by the Essex frigate. [See official account, page 41.]

173. Ship ———, from Jamaica for London, sent into Cape-Ann.

174. Brig King George, from Liverpool for Newfoundland, laden with salt—sent into Boston by the Essex frigate.

175. Ship ———, 14 guns and 25 men, burthen 450 tons, laden with 449 hhds. sugar, 140 puncheons of rum, &c. sent into Portland, by the Revenge privateer.

176. Brig Ocean, 7 guns, 26 men; from Jamaica for Whitehaven, laden with sugar and rum—sent into New-York, by the Saratoga of that port.

The Chronicle.

It appears that the POPE has been brought to Paris from Rome. He was waited upon by the duke of Cadore and some of the bishops; and seems to be treated respectfully. The object of the journey is unknown. But *it is said* that Bonaparte has intimated to him that Paris and not Rome, is to be considered as the centre of christendom.

Lord Cathcart has left England as ambassador extraordinary to the court of Russia.—It is stated that a treaty of peace and friendship between SWEDEN and Great Britain, signed at Obrero, has actually been received at Lord Castlereagh's office.

Lord Wellington is stated to have obtained a great victory over Marmont in Spain—in which the latter lost between 10 and 12,000 men, in killed, wounded and prisoners.

We have nothing of importance from the frontiers of Russia. A rupture of the treaty between the Russians and the Turks, is spoken of—the Grand Seignor refusing to cede an inch of his territory, as was provided in the preliminaries. The Russians, it is intimated, have received advices from the crown prince of Sweden, for the regulation of the campaign—which is, to avoid a general battle, to retreat and harrass the enemy, cut off his supplies, and lay waste the country they pass over.

The Russian ships in the Tagus, surrendered to the English by the convention of Cintra, have been restored agreeably to that treaty. They consist of nine vessels of from 60 to 80 guns, and one frigate.

The prince Regent, it is said, has requested the Princess, his wife, to be less frequent and less particular in her visits to her DAUGHTER.

Every branch of the government of Vermont is republican, by greatly increased majorities.—The election is just over.

Lamentable accident.—The powder manufactory of William Lorman, Esq. on Thursday afternoon, took fire and exploded with a tremendous crash which was heard and felt by several persons in town—a distance of five miles. The fire was discovered by the workmen, time enough to admit of their escaping without injury. We understand Mr. Lorman had a considerable quantity of powder on hand, to supply a contract made with the government; and that his loss is estimated at $50,000.

The French forces on the frontiers of Russia is said to be composed of 100,000 Poles—120,000 troops of the confederation of the Rhine—250,000 French—50,000 Italians—90,000 Austrians, and 30,000 Prussians—TOTAL 640,000 men. The Russians are greatly inferior in point of numbers; but may amount to 250,000.

At the extra session of the legislature of South Carolina, which rose a few days, a resolution was *unanimously* adopted approbatory of the measures of the general government.

THE WEEKLY REGISTER.

No. 4 of vol. III.] BALTIMORE, SATURDAY, September 26, 1812. [whole no. 56.

Hæc olim meminisse juvabit.—Virgil,

Printed and published by H. Niles, South-st. next door to the Merchants' Coffee House, at $ 5 *per annum.*

Secret Journal

OF THE HOUSE OF REPRESENTATIVES—SO FAR AS RELATES TO FLORIDIAN AFFAIRS.

Friday, June 19, 1812.—On motion of Mr. Troup,

Resolved, That the committee to whom was referred so much of the President's message at the commencement of the session, as relates to Spanish American colonies, be instructed to inquire into the expediency of authorising the president of the United States to occupy East and West Florida, without delay.

And then the doors were opened.

Monday, June 22.—On motion made and leave given,

Mr. Mitchill, from the committee appointed on the part of the President's message at the commencement of the session, which relates to the Spanish American colonies, presented a bill authorising the President of the United States to take possession of a tract of country lying south of the Mississippi territory and of the state of Georgia, and for other purposes, which was read the first time—When

A question was taken, whether the subject matter of the said bill required secrecy,

And passed in the affirmative—Yeas 71, nays 44.

The yeas and nays being demanded by one-fifth of the members present,

Those who voted in the affirmative, are

Messrs. Anderson, Archer, Avery, Bard, Bassett, Bibb, Brown, Burwell, Butler, Calhoun, Carr, Cheves, Cochran, Clopton, Condit, Crawford, Davis, Dawson, Desha, Dinsmoor, Earle, Findley, Franklin, Gholson, Goodwyn, Green, Grundy, B. Hall, O. Hall, Harper, Hawes, Hufty, Hyneman, Johnson, Kent, Lacock, Lowndes, Lyle, Maxwell, Moore, M'Coy, Mitchill, Morgan, Morrow, Nelson, New, Newton, Ormsby, Pickens, Piper, Pleasants, Pond, Ringgold, Rhea, Roane, Roberts, Sage, Seaver, Sevier, Seybert, Sheffey, Smilie, G. Smith, J. Smith, Strong, Taliaferro, Troup, Turner, Whitehill, Winn, Wright—71.

Those who voted in the negative, are

Messrs. Baker, Bigelow, Bleecker, Boyd, Breckenridge, Brigham, Champion, Chittenden, Cooke, Davenport, Ely, Emott, Fitch, Gold, Goldsborough, Gray, Jackson, Key, Law, Lewis, Macon, Metcalf, Milnor, Moseley, Newbold, Pearson, Pitkin, Potter, Randolph, Reed, Richardson, Ridgely, Rodman, Sammons, Stanford, Sturges, Taggart, Tracy, Van Cortlandt, Wheaton, White, Williams, Widgery, Wilson—44.

The said bill was then read the second time, and committed to a committee of the whole house to-morrow.

And the doors were then opened.

Thursday, June 25.—The house resolved itself into a committee of the whole house, on the bill authorising the President to take possession of a tract of country lying south of the Mississippi territory and the state of Georgia, and for other purposes; and after some time spent therein, Mr. Speaker resumed the chair, and Mr. Lewis reported, that the committee had, according to order, had the said bill under consideration, and made an amendment thereto, which he delivered in at the clerk's table, where it was again read, and concurred in by the house.

The question was then taken that the said bill be engrossed and read the third time,

And passed in the affirmative—yeas 70, nays 48.

The yeas and nays being demanded by one-fifth of the members present,

Those who voted in the affirmative, are

Messrs. Anderson, Archer, Bassett, Bibb, Blackledge, Brown, Butler, Calhoun, Carr, Clay, Cochran, Clopton, Condit, Crawford, Cutts, Davis, Dawson, Desha, Dinsmoor, Findley, Fisk, Franklin, Gholson, Goodwyn, Green, Grundy, B. Hall, O. Hall, Harper, Hyneman, Johnson, Kent, King, Lacock, Little, Lyle, Macon, Maxwell, Moore, M'Coy, M'Kim, Mitchill, Morgan, Morrow, Nelson, New, Newton, Ormsby, Pickens, Piper, Ringgold, Rhea, Roane, Roberts, Sage, Seaver, Sevier, Shaw, Smilie, G. Smith, J. Smith, Strong, Taliaferro, Troup, Turner, Whitehill, Williams, Widgery, Winn, Wright.—70.

Those who voted in the negative, are

Messrs. Bacon, Baker, Bigelow, Bleecker, Breckenridge, Brigham, Burwell, Champion, Cheves, Chittenden, Cooke, Davenport, Ely, Emott, Fitch, Gold, Goldsborough, Gray, Hawes, Hufty, Jackson, Key, Law, Lewis, Lowndes, M'Bryde, Milnor, Moseley, Pearson, Pitkin, Pleasants, Potter, Quincy, Randolph, Richardson, Ridgely, Rodman, Sammons, Seybert, Sheffey, Stanford, Sturges, Taggart, Van Cortlandt, Wheaton, White, Wilson—48.

Ordered, That the said bill be read the third time to-day.

The said bill was engrossed and read the third time accordingly—When

A motion was made by Mr. Ridgely, that the same be postponed until Monday next.

And the question being taken,

It was determined in the negative.

The question was then taken, that the said bill do pass?

And resolved in the affirmative.

Orderded, That the title be "An act authorising the President to take possession of a tract of country lying south of the Mississippi territory and of the state of Georgia, and for other purposes."

Mr. Mitchill and Mr. Troup were appointed a committee to carry the said bill to the senate, and inform them that this house have passed the same in confidence, and request their concurrence therein.

The doors were then opened.

Friday, June 26.—A motion was made by Mr. Randolph, that the injunction of secrecy imposed by this house on the bill, entitled "An act authorising the President to take possession of a tract of country lying south of the Mississippi territory and of the state of Georgia, and for other purposes," together with the injunction of secrecy imposed upon the proceedings on the said bill, be taken off."

And on the question that the house do now proceed to the consideration of the said motion.

It was determined in the negative.

A motion was then made by Mr. Ridgely, that the house do come to the following resolution:

Resolved, That the President of the United States be requested, if in his opinion it be compatible with the public interest, to lay before this house, confidentially or otherwise, full information of all the proceedings that have been had under and by virtue of the act of congress, entitled "An act to enable the President of the United States, under certain contingencies, to take possession of the country lying east of the river Perdido, and south of the state of Georgia and the Mississippi territory, and for other purposes," and also copies of all instructions that may have been issued by the executive branch of this government under the said act.

And on the question, that the house do now proceed to the consideration of the said resolution,

It passed in the affirmative—yeas 78, nays 38.

The yeas and nays being demanded by one-fifth of the members present,

Those who voted in the affirmative, are

Messrs. Archer, Avery, Bacon, Baker, Bibb, Bigelow, Blackledge, Bleecker, Boyd, Breckenridge, Brigham, Burwell, Calhoun, Champion, Cheves, Chittenden, Cochran, Cooke, Davis, Dinsmoor, Emott, Fisk, Franklin, Gold, Goldsborough, Gray, Hall, Hawes, Hufty, Johnson, Kent, Key, King, Lacock, Law, Lefevre, Lewis, Lowndes, Macon, Maxwell, M'Bryde, M'Kim, Milnor, Mitchill, Morrow, Moseley, Newbold, Newton, Pearson, Pickens, Piper, Pitkin, Pleasants, Potter, Quincy, Randolph, Richardson, Ridgely, Rodman, Sammons, Seybert, Sheffey, Smilie, Stanford, Stuart, Stow, Strong, Sturges, Taggart, Taliaferro, Tracy, Troup, Van Cortlandt, Wheaton, White, Wilson—78.

Those who voted in the negative, are

Messrs. Anderson, Brown, Butler, Carr, M. Clay, Clopton, Condit, Crawford, Dawson, Desha, Earle, Findley, Gholson, Green, Grundy, Harper, Hyneman, Little, Lyle, Moore, M'Coy, Morgan, Nelson, New, Ormsby, Ringgold, Rhea, Roane, Roberts, Sage, Seaver, Sevier, Shaw, J. Smith, Turner, Whitehill, Widgery, Wright.

The question was then taken, that the said resolution do pass?

And was resolved in the affirmative—yeas 58, nays 51.

The yeas and nays being demanded by one-fifth of the members present,

Those who voted in the affirmative, are

Messrs. Archer, Bacon, Baker, Bibb, Bigelow, Blackledge, Bleecker, Breckenridge, Brigham, Burwell, Calhoun, Champion, Cheves, Chittenden, Cochran, Cooke, Davenport, Ely, Emott, Fitch, Franklin, Gold, Goldsborough, Hawes, Jackson, Key, King, Law, Lewis, Lowndes, Maxwell, M'Bryde, Milnor, Morrow, Moseley, Newbold, Newton, Pearson, Pitkin, Pleasants, Potter, Quincy, Randolph, Ridgely, Rodman, Sammons, Seybert, Sheffey, Stanford, Stuart, Sturges, Taggart, Taliaferro, Tracy, Van Cortlandt, Wheaton, White, Wilson—58.

Those who voted in the negative, are

Messrs. Anderson, Boyd, Brown, Butler, M. Clay, Clopton, Condit, Crawford, Cutts, Davis, Dawson, Dinsmoor, Earl, Findley, Fisk, Gholson, Goodwyn, Green, B. Hall, O. Hall, Harper, Hyneman, Johnson, Kent, Lacock, Little, Lyle, Macon, Moore, M'Coy, Morgan, Nelson, Ormsby, Pickens, Piper, Ringgold, Rhea, Roane, Roberts, Seaver, Sevier, Shaw, Smilie, J. Smith, Strong, Troup, Turner, Whitehill, Williams, Widgery, Wright—51.

Mr. Ridgely and Mr. Ringgold were appointed a committee to present the said resolution to the president.

The doors were then opened.

Wednesday, July 1, 1812.—Mr. Ridgely from the committee appointed on the 26th ultimo, to present a resolution to the President of the United States, reported, that the committee had performed that service, and that the President answered that a due attention should be paid to the subject.

A message, in writing, was then received from the President of the United States, by Mr. Coles, his secretary, who delivered in the same and withdrew.

The said message was read, and is as follows:

[Here follow the documents *inserted in the Weekly Register No. 54, page 19.*]

Friday, July 3, 1812.—A message was received from the senate by Mr. Smith, of Maryland, and Mr. Leib, a committee appointed for the purpose of notifying the house that the senate had rejected the bill, entitled "an act authorising the president to take possession of a tract of country lying south of the Mississippi territory and of the state of Georgia, and for other purposes."

A motion was then made by Mr. Randolph, that the injunction of secrecy be removed from the bill sent from this house and rejected by the senate, entitled "an act authorising the president to take possession of a tract of country lying south of the Mississippi territory and of the state of Georgia, and for other purposes."

And on the question, that the house do now proceed to the consideration of the said motion.

It was determined in the negative—Yeas 22, Nays 58.

The yeas and nays being demanded by one-fifth of the members present,

Those who voted in the affirmative, are

Messrs. Archer, Baker, Bibb, Bleecker, Breckenridge, Cooke, Goldsborough, Hawes, Lewis, Macon, Nelson, Pearson, Randolph, Sammons, Sheffey, Stanford, Stuart, Sturges, Taggart, Van Cortlandt, Wheaton, Williams.

Those who voted in the negative, are

Messrs. Anderson, Bacon, Blackledge, Brown, Butler, Calhoun, Carr, Cheves, Clopton, Condit, Crawford, Cutts, Dawson, Desha, Dinsmoor, Earle, Findley, Fisk, Franklin, Gholson, Goodwyn, Green, Grundy, B. Hall, O. Hall, Harper, Hufty, Hyneman, Kent, King, Lacock, Little, Lowndes, Lyle, M'Coy, M'Kim, Morgan, Newton, Pickens, Piper, Pleasants, Richardson, Ringgold, Rhea, Roane, Roberts, Sevier, Seybert Shaw, Smilie, J. Smith, Strong, Talliaferro, Troup, Turner, Whitehill, Widgery, Wright.

Monday, July 6, 1812.—On motion of Mr. Bibb,

Resolved, That the injunction of secrecy so far as concerns "an act to enable the president of the United States, under certain contingencies, to take possession of the country lying east of the river Perdido, and south of the state of Georgia and the Mississippi territory, and for other purposes," passed on the twelfth of January, one thousand eight hundred and eleven, and "a bill authorising the president to take possession of a tract of country lying south of the Mississippi territory and of the state of Georgia, and for other purposes," passed the 26th of June last, and the proceedings thereon, respectively, be removed: and also so far as relates to the following letters: two from the secretary of state to gen. G. Matthews, one dated the 26th of January, one thousand eight hundred and eleven, and the other the fourth of April, one thousand eight hundred and twelve; and two from Mr. Monroe to general D. B. Mitchill, one dated the tenth of April, the other the twenty-seventh of May, one thousand eight hundred and twelve.

The doors were then opened.

Legislature of South-Carolina.

An extra session of the legislature of South-Carolina was convened to provide for the accommodation of the militia, and other important purposes. The following is an extract from the communication of governor *Middleton*, delivered on the 24th ult. at Columbia:

"Our federal and state constitutions have vested the power of declaring war exclusively in the general government, and have given it special control over every description of force necessary for carrying it on: Yet the spirit of our polity and the extent of our territory require, when war is declared to exist by the constituted authorities of the nation, the state governments should yield a faithful and entire co-operation in all such measures as may have a tendency to insure a successful progress and termination to the contest in which the union is engaged; and all its members are bound by the most sacred obligation to furnish every aid in their power, as well to mitigate the evils of war to our own citizens, as to make it effectual against the enemy.

"Such would be our obvious duty, did we even doubt or disapprove the policy of the war. It is only by a vigorous prosecution of it, that it can be brought to an honorable and advantageous termination; opposition to the measures of the government, if effectual, must paralise its efforts, and tend to produce defeat and disgrace, and to blast the further hopes and prospects of our country—It originates in the inflexible hostility of a government, which although defeated in its plan of establishing an absolute dominion over our continent by the war of our revolution, yet has of late years vainly believed that by means of its great naval superiority, it may shackle and control our commerce, so as to reduce it to a complete subserviency to British views and interests. If it be true that a free commerce be a necessary appendage to our national independence, and (next to the right of self-government) one of its most precious fruits; there can be no doubt that in the present conjuncture, it is due to the character and essential to the interests of this union, to exert its strength for the establishment of its maritime and commercial rights.

"Nor need we entertain any apprehension for the final result of the contest; the growing resources of our country, and the gallant spirit of our countrymen, afford ample pledges of its successful issue.—Already our legions, by a just retaliation for the violation of our rights on the ocean, are preparing to carry the republican banner into the heart of the enemy's continental possession. Meanwhile let us beware lest the war be restored on our shores; the situation of our state, whose extensive coast becomes an exposed frontier, should rouse our vigilance; the general government has spared no expense in placing the posts in its possession in an adequate state of defence; but after all it has done, or will be able to do, much must be left to our own energies, which should be exerted to extend complete protection to all our coast against predatory incursions and due preparation should be made at every point for repelling attack.

"Since the declaration of war, regarding the necessity of the case as sufficient justification; I have ordered a small distribution of arms to the effective companies of militia, whose stations are on the most exposed points of our coast. I have also authorised the mounting of some cannon, the purchase of a few commissary's stores, a small contract for equipments, and the making up of some tents for the detachment in actual service; the amount of all which will be laid before you.

"In consequence of a representation made to the general government that the state had not provided the means of arming and equipping the quota she was called on to furnish, as required by law, I received an order for some arms and equipments, the greater portion of which has been delivered out to that part of the detachment now in actual service.

"It affords me satisfaction to state that our quota of 5000 men was organized with expedition and is composed principally of volunteers. In many cases the draft was resorted to only to decide who should have the privilege of being accepted as part of the quota: in some instances, officers who could not obtain commands have volunteered as privates. The military ardor of our citizens has every where evinced itself by a readiness to serve the country: nor has their patriotism been shaken by the sufferings of the camp, the hardships and fatigues of which (more trying than the dangers of battle) are born by them without a murmur. Since June last they have been exposed with very insufficient accommodation, to the most inclement season that has been known for years past. To detail their suffering here would be unnecessary; a representation from the officers stationed at Haddril's Point is herewith transmitted;—Your wisdom will best dictate in what form relief shall be afforded to our patriotic defenders."

Poland.

RE-ESTABLISHMENT OF THE KINGDOM OF POLAND.

GRAND DUCHY OF WARSAW.

WARSAW, June 22.—The following are some of the details respecting the opening and first operations of the Diet:

On the 26th, the Senators, the Ministers, the Council of State, the Nuncios, the Deputies, his excellen-

cy the archbishop of Malines, ambassador of his majesty the emperor Napoleon, assembled at the palace in the halls appropriated for this purpose, and thence proceeded along the corridors to the collegiate church of St. Johns, in order to pray to the God of Armies for his assistance in the grand work which was to be the object of the deliberations of the Diet. His excellency the president of the council of ministers, M. Potocki, was stationed near the throne, surrounded by the ministers; the senators placed themselves in the stalls of the canons, the Nuncios and the Deputies on the benches of the church. His excellency the archbishop of Malines, accompanied by the secretary and the auditors of the legation, was introduced by his excellency the prefect of Warsaw, and took his place between the throne and the senators, on the right of the altar. A crowd of spectators filled the church, in the midst of which the veterans and the cadets of the school of artillery and engineers, were ranged in line. His excellency the senator Gawrowski, bishop of Crakow, celebrated mass. The counsellor of state Woloniez, distinguished for his talents as an orator, pronounced from the pulpit a discourse, which made a most lively impression upon the whole assembly. After Divine service, the senators and the nuncios, with the deputies, returned to their respective chambers. His excellency the French ambassador, was conducted, with the whole of his suite, to the principal room of the senators chambers.

The Marshal of the Diet invited the chamber of Nuncios to follow him, with a view to assemble in the senators' chamber. As soon as they arrived there his excellency M. Potocki, called prince Czartorinski to administer the oath to him near the throne, and present to him a marshal's staff. When these forms were gone through, prince Potocki proclaimed—"In the name of the King, Duke of Warsaw, I give to prince Czartorinski permission to speak."——The speech of this respectable prince was heard with all the interest which it deserved. Many of the principal members then spoke in succession. After the harangue of his excellency the minister of the treasury, the marshal of the Diet announced to the assembly, that he had received in his capacity of marshal of the Diet, a requisition, signed by a certain number of the inhabitants of that part of Poland which had passed under the dominion of Russia.—His excellency the Secretary of the senate, read this address, the substance of which was, that in the happy circumstances in which Poland found herself at present placed, they besought the Diet in the name of their countrymen who were groaning under the yoke of Russia, to use its mediation with Napoleon the Great, who had already delivered one part of Poland, to condescend to release them also from this odious yoke.

Several senators delivered their sentiments upon this address. His excellency the senator Wibycki proposed to appoint a deputation, for the purpose of deliberating and presenting a project upon this subject. The president of the council of ministers declared, that the government entertained the same sentiments as the senate, respecting this address, had nominated, in the king's name, the Members of this deputation, whom he chose from the senate, the council of state, that of the ministers of the chamber of nuncios. In order to give these ministers time enough to accomplish the business with which they were charged, the president of the council of ministers adjourned the sitting to the 28th of June, and it was in that sitting that the re-establishment of the kingdom of Poland was decreed.

Canada.

The following historical and geographical sketch of Canada, and our western frontiers, we copy from the Essex Register published in Salem, (Mass.)

Quebec was established early in the seventeenth century, and at the time of the landing at Plymouth had in it about 50 persons, including men, women and children. In the year in which the Massachusetts settlers came it was surrendered to the crown of England, but in two years it was restored to France. At the time of its restoration, Quebec had a few mean houses near the fort, a few cabins were in Montreal, and in several other places on the St. Lawrence for the fishery, and these were the whole settlements of Canada. At the restoration of Charles II. to the crown of England, the French were ambitious to comprehend the nature of their possessions in America, and during the republic had repeated negociation with New-England. In 1660 they visited both Hudson's bay, and Lake Superior, and soon after the Canada company, finding the English in the possession of the Dutch settlements upon Hudson river, gave up their rights to the king. The forts then between the two settlements were established, and a new division of the settlement begun, into Canada. Port Royal and Arcadie, and the two last soon fell into the hands of the English. It was soon after this event in 1671, the Hurons did attempt to settle at Michilimacanac, according to Charlevoix; not upon the island on which the fort now stands, but upon a point of the continent advancing southward, opposite to another which projects northward. After this settlement the course of the Mississippi was discovered from Canada, by passing down Michigan into the Mississippi, in lat. 42, in June 1673, and at this time the junction of the Missouri and the Mississippi was discovered. After this discovery in a few years the claims of the French were for a fourth time restored to them, and in a few years the fort of Niagara was built. From Niagara, Charlevoix passed lake Erie to open a communication between the mouth of the St. Lawrence and the mouth of the Mississippi. He crossed Long Point, upon a portage of 60 paces, and went to Detroit.—From the entrance of Detroit to the isle of St. Clair, he reckons five leagues, and in passing to lake Huron he found the strait about 32 leagues long, and above the island the strait opens and forms a lake bearing the name of the island, about six leagues long, and in some places as wide. After leaving the straits, as he then reckoned sixty leagues, he came to Michilimacanac, which he places between the three lakes Hudson, Michigan and Superior.—Between Huron and lake Superior, he says there is a strait of 22 leagues embarrassed with rapids, which do not prevent the passing canoes. He then represents Michilimacanac as an island at the extremity of lake Huron about 4 miles in circuit, to be seen many leagues, and which had then given a name to all the country around it. Two other islands lay south of it, and one of them is 5 leagues long, and the other smaller. Easter island is upon the left, after having entered lake Michigan, which he entered to continue his passage to the Mississippi, and as we have followed him thus far, we may continue with him through his course, noticing only such things as may be necessary to discover his route to the modern traveller.

The river St. Joseph enters Michigan in a southern course being navigable 90 leagues up, and the fort is up the river at half this distance upon an island in 44 and an half degrees north. Six leagues above the fort on the St. Joseph, he passed above a

league the Praire de la tete de hocul, and after passing another league he comes to the sources of the Theakiki. Proceeding 50 leagues on this river from its source he found a lake, but as the river opens it is less deep, and the largest stream it receives, is the Iroquois. At the Forks joins the Illinois which after 60 leagues is so small as to have hardly two feet of water, while the Theakiki after 100 leagues, is here a fine river. Below the forks 15 leagues, the river now called the Illinois is deep and large, and receives many streams in its course. We need not mention the passage down the Mississippi, as we have later descriptions. All these numbers may serve as general guides till the country is actually surveyed. Such it appeared to this learned Jesuit four score years from our present times, and thus this enterprising man dared to pass an uncultivated tract from Quebec to New-Orleans. Later discoveries have shewn that in the spring at the sources of the rivers which pass to Michigan, Ohio and to Mississippi, the rise of the waters has rendered the carrying places of canoes almost needless, so easy is it to pass from the waters which empty at these different places. Mr. Harris in his tour has shewn how the voyage might be accomplished in a much shorter route, in consequence of the discoveries made of navigable waters. Instead of entering Detroit river in lat. 42, the traveller may pass into the Miami of the lakes and so on into the Wabash, and down the Wabash to the Ohio and Mississippi. The Miami he says is navigable by canoes to the portage which leads to the Wabash. It is said in the time of the spring, the waters of the rivers which meet here are united. The progress of our army in this route from the Wabash to Detroit, will give us a more exact account of this country, as it will expose it to the enquiries of many persons, who are accurate observers of nature, and who will be proud to distinguish their marches through this country by communications which will be useful to posterity.

The Floridas.

For the following sketch, containing much interesting matter, we are indebted to the Nashville (Ten.) "Clarion."

In the year 1803, when the violation of our right of deposit at New-Orleans had fixed the attention of the general government upon the interest of the western country, a committee of the house of representatives, of whom Dr. Dickson was one, were directed to report upon the propriety and practicability of annexing the Floridas to the United States. The report submitted on that occasion presents some views extremely interesting at the present moment, when the union of these provinces with the American states is on the point of being realized, and when the necessity of a water communication between Tennessee and the bay of Mobile, is felt and acknowledged by all the friends of their country.

The report describes the rivers which rising in the country of the Cherokees, and traversing the country inhabited by the Creek confederacy, discharge themselves into the Mobile bay. "In these rivers, says the report, the eastern parts of Tennessee are deeply interested; as some of the great branches of the Mobile approach very near to some of those branches of the Tennessee river which lie above the Muscle Shoals. Even if it should be difficult to connect them, yet the land carriage will be shorter, and the route to the sea more direct, than the river Tennessee furnishes. These rivers possess likewise an advantage which is denied to the Mississippi. As their sources are not in the mountain, and their course is through a level country, their currents are gentle, and the tide flows considerably above our boundary. This circumstance, together with the depth of water which many of them afford, render them accessible to sea vessels; and ships of two hundred tons burthen may ascend several hundred miles into the heart of our own territory. These rivers, however, which run almost exclusively within our own limits, and which it would seem as if nature had intended for our own benefit, we must be indebted to others for the beneficial use of, so long as the province of West Florida shall continue in the possession of a foreign nation. If the province of West Florida were still an independent empire it would be the interest of its government to promote the freedom of trade, by laying open the mouths of rivers to all nations; this having been the policy of those nations who possess the mouths of the Rhine, the Danube, the Po, the Tagus, with some others. But the jealousy of the colonial spirit will not admit of this policy, so liberal in itself, and so reciprocally advantageous to the citizens of the United States and of West Florida."

The report then speaks of East Florida. "Though not so important to the United States, the committee nevertheless deem its acquisition very desirable. From its junction with the State of Georgia at the river St. Mary's it stretches nearly four hundred miles into the sea, forming a large peninsula and has some very fine harbors. The southern point, Cape Florida, is not more than one hundred miles from the *Havana*, and the possession of it may be beneficial to us in relation to our trade with the West Indies. It would likewise make our whole territory compact, would add considerably to our sea coast, and by giving us the Gulf of Mexico, for our southern boundary, would render us less liable to attack in what is deemed the most vulnerable part of the union." The report concludes with stating: "If we look forward to the free use of the Mississippi, the Mobile, the Apalachicola, and the other rivers of the west, by ourselves and our posterity, New-Orleans and the Floridas must become a part of the U. States, *either by purchase or by conquest.*"

To this valuable report we are indebted for the acquisition of New-Orleans and the free navigation of the Mississippi. The congress of 1803 made a great stride towards securing the happiness and prosperity of the western country, and the congress of 1812 has undertaken to follow up their steps and complete their work.

No part of the union can be so much interested in the acquisition of West Florida as the state of Tennessee. To the eastern section of the state the rivers of that province are indispensable, as well for the exportation of their own produce as for the introduction of foreign articles. To the western division, these rivers would be invaluable in facilitating an import trade. Two branches of the Tennessee stretch to the south, and approach the navigable waters of the Mobile river.——Above the muscle shoals, extends south-eastwardly towards Coosahatcha, a branch of the Alabama, and the distance between the navigable points of these two rivers, is no more than fifty-five miles. Below the shoals is Bear creek; better known to geographers under the name of Occochappo, and the distance between the highest navigable points on these two streams, is something less than fifty miles. Through these two channels, the merchants of West Tennessee will find the means of bringing into our country the productions of all foreign nations. Loading his vessel at the head of Mobile bay, he will proceed up the Mobile river ninety miles, to McGilvrey's town in the Creek nation. Here he will find the Mobile divided into two streams, one the Alabama, coming down from the North East, the other the Tombigbee

coming down from the North. If he intends to cross the Tennessee above the muscle shoals, he will turn to the north-east and ascend the Alabama: a most beautiful river, with a clear, gentle current, flowing at the rate of two miles to the hour, from three to four hundred yards broad, and from 15 to 18 feet deep in the driest seasons. Going up the river 210 miles, and he will arrive at little Tallassee, a town of the Upper Creeks, where the Alabama loses its name and is divided into two streams, the Coosa-hatchi and the Tallapoosee. Ascending the former of those streams a short distance, and he will arrive at the point on the Coosa, where a portage or canal of 55 miles will carry him to Hiwassee. Descending the Hiwassee, he will soon arrive in the Tennessee; following the course of the Tennessee a short distance and he will arrive at the mouth of Elk river, and turning up, he may deposit his cargo at a point on Richland creek, in Giles county, or at Fayettevillie in Lincoln. From the latter of these places to Nashville, would be a land carriage of 80 miles over a level country.

The other channel, to cross the Tennessee below muscle shoals, would be, to ascend the Tombigbee from McGilvrey's town to its highest navigable point—a portage of 50 miles would then bring him to Bear creek: following the course of that creek, which is deep and gentle, he would soon reach the Tennessee; after which he might float with the current to the mouth of Duck river, where a part of his cargo might be deposited, and thence distributed through the upper country, or he may float to the Ohio, and thence ascend the Cumberland to Nashville.

That either of these routes would be infinitely preferable to the present channel through which goods are brought into our country, is evident upon the slightest examination. From Philadelphia to Nashville, the merchant at this time has to transport his goods over a course of one thousand five hundred miles; three hundred and three of which consists of land carriage from Philadelphia to Pittsburg: one thousand and fifty-four by Pittsburg to the mouth of Cumberland, and thence one hundred and eighty miles, against a strong current to Nashville. But from Nashville to McGilvrey's town at the junction of the Alabama and Tombigbee, is no more than three hundred and fifty miles, a due south course, and over a level country; that is, only forty-seven miles further than the distance between Philadelphia and Pittsburg. But following the route which merchandize must take, and you would only have one hundred and thirty-five miles of land carriage, and about three hundred and forty by water, a considerable part of which would be on the Alabama, where the tide flows. But the great advantage in his new route, would be in putting an end to the unnatural trade which we carry on with Philadelphia and Baltimore; a trade which affords not the least encouragment to the western farmer, and which can only be supported by draining our country of the gold and silver. When we come to import from the Mobile, our commerce will then assume its natural course. The productions of our country will then be exchanged for a return cargo which can be paid for and delivered at the head of Mobile river; a place to which a Spanish frigate once ascended, and to which vessels of several hundred tons may come with the greatest ease.

Imagination looks forward to the moment when all the southern indians shall be pushed across the Mississippi: when the delightful countries now occupied by them shall be covered with a numerous and industrious population; and when a city, the emporium of a vast commerce, shall be seen to flourish on the spot where some huts, inhabited by lawless savages, now mark the junction of the Alabama and Tombigbee rivers.

The present is a favorable moment of accomplishing a part of this great design. The Floridas will soon be occupied by the American troops. Our settlements on the bay and river of Mobile will require to be strengthened, and to strengthen them a part of the country inhabited by the Creeks will be indispensable to us. Fortunately the crimes of this nation have supplied us with a pretext for the dismemberment of their country. An expedition will soon have to move against them to exact a terrible vengeance for the blood they have spilt among us; and the republic must indemnify itself for the expences of this movement, by appropriating to itself and dividing among the conquerors the better part of that, and which is so useless to them, and which will be so valuable to us.

Events of the War.

OFFICIAL ARTICLES.

THE NORTH WESTERN ARMY.

Yesterday afternoon, at 2 o'clock, lieutenant Anderson, of the United States army, reached this city, bearer of despatches from brigadier general William Hull, to the department of war, of which the following copies have been obtained for publication.

Nat. Intel. 19th Sept.

MONTREAL, Sept. 8, 1812.

SIR The inclosed despatch was prepared on my arrival at Fort George, and it was my intention to have forwarded it from that place by major Witherell, of the Michigan volunteers. I made application to the commanding officer at that post, and was refused; he stating that he was not authorised, and general Brock was then at York. We were immediately embarked for this place, and major Witherell obtained liberty at Kingston to go home on parole.

This is the first opportunity I have had to forward the dispatches.

The fourth United States' regiment is destined for Quebec, with a part of the first. The whole consist of a little over three hundred.

Sir George Prevost, without any request on my part, has offered to take my parole, and permit me to proceed to the states.

Lieutenant Anderson, of the eighth regiment, is the bearer of my despatches. He was formerly a lieutenant in the artillery, and resigned his commission on account of being appointed marshal of the territory of Michigan During the campaign he has had a command in the artillery; and I recommend him to you as a valuable officer.

He is particularly acquainted with the state of things previous and at the time when the capitulation took place. He will be able to give you correct information on any points about which you may think proper to enquire.

I am very respectfully,
Your most obedient servant,
WILLIAM HULL.

Hon. W. EUSTIS,
Sec'ry of the department of war.

Fort George, August 26, 1812.

SIR—Enclosed are the articles of capitulation, by which the fort of Detroit has been surrendered to major general Brock, commanding his Britannic majesty's forces in Upper Canada, and by which the troops have become prisoners of war. My situation at present forbids me from detailing the particular

causes which have led to this unfortunate event. I will, however, generally observe, that after the surrender of Michillimackinac, almost every tribe and nation of Indians, excepting a part of the Miamies and Delawares, north from beyond Lake Superior, west from beyond the Mississippi, south from the Ohio and Wabash, and east from every part of Upper Canada, and from all the intermediate country, joined in open hostility, under the British standard, against the army I commanded, contrary to the most solemn assurances of a large portion of them to remain neutral; even the Ottawa chiefs from Arbecrotch, who formed the delegation to Washington the last summer, in whose friendship I know you had great confidence, are among the hostile tribes, and several of them distinguished leaders. Among the vast number of chiefs who led the hostile bands, Tecumseh, Marpot, Logan, Walk-in-the-water, Split-Log, &c. are considered the principals. This numerous assemblage of savages, under the entire influence and direction of the British commander, enabled him totally to obstruct the only communication which I had with my country. This communication had been opened from the settlements in the state of Ohio, 200 miles through a wilderness, by the fatigues of the army, which I marched to the frontier on the river Detroit. The body of the Lake being commanded by the British armed ships, and the shores and rivers by gun boats, the army was totally deprived of all communication by water. On this extensive road it depended for transportation of provisions, military stores, medicine, clothing and every other supply, on pack horses—all its operations were successful until its arrival at Detroit, and in a few days it passed into the enemy's country, and all opposition seemed to fall before it. One month it remained in possession of this country, and was fed from its resources. In different directions, detachments penetrated sixty miles in the settled part of the province, and the inhabitants seemed satisfied with the change of situation, which appeared to be taking place—the militia from Amherstburg were daily deserting, and the whole country, then under the control of the army, was asking for protection. The Indians generally, in the first instance, appeared to be neutralized, and determined to take no part in the contest. The fort of Amherstburg was eighteen miles below my encampment. Not a single cannon or mortar was on wheels suitable to carry before that place. I consulted my officers, whether it was expedient to make an attempt on it with the bayonet alone, without cannon, to make a break in the first instance. The council I called was of the opinion it was not.—The greatest industry was exerted in making preparation, and it was not until the 7th of Aug. that two 24 pounders, and three howitzers were prepared. It was then my intention to have proceeded on the enterprize. While the operations of the army were delayed by these preparations, the clowds of adversity had been for some time and seemed still thickly to be gathering around me. The surrender of Michillimackinac opened the northern hive of Indians, and they were swarming down in every direction. Reinforcements from Niagara had arrived at Amherstburg under the command of colonel Proctor. The desertion of the militia ceased. Besides the reinforcements that came by water, I received information of a very considerable force under the command of major Chambers, on the river Le French, with four field pieces, and collecting the militia on his route, evidently destined for Amherstburg; and in addition to this combination, and increase of force, contrary to all my expectations, the Wyandots, Chippewas, Ottawas, Pottawatmies, Munsees, Delawares, &c. with whom I had the most friendly intercourse, at once passed over to Amherstburg, and accepted the tomahawk and scalping knife. There being now a vast number of Indians at the British post, they were sent to the river Huron, Brownstown, and Maguago to intercept my communication. To open this communication, I detached major Vanhorn of the Ohio volunteers with two hundred men to proceed as far as the river Raisin, under an expectation he would meet captain Brush with one hundred and fifty men, volunteers from the state of Ohio, and a quantity of provision for the army. An ambuscade was formed at Brownstown, and major Vanhorn's detachment defeated and returned to camp without effecting the object of the expedition.

In my letter of the 7th inst. you have the particulars of that transaction with a return of the killed and wounded. Under this sudden and unexpected change of things, and having received an express from general Hall, commanding opposite the British shore on the Niagara river, by which it appeared that there was no prospect of any co-operation from that quarter, and the two senior officers of the artillery having stated to me an opinion that it would be extremely difficult, if not impossible, to pass the Turkey river and river Aux Cannard, with the 24 pounders, and that they could not be transported by water, as the Queen-Charlotte, which carried eighteen 24 pounders, lay in the river Detroit above the mouth of the river Aux Cannard; and as it appeared indispensably necessary to open the communication to the river Raisin and the Miami, I found myself compelled to suspend the operation against Amherstburg, and concentrate the main force of the army at Detroit. Fully intending, at that time, after the communication was opened, to re-cross the river, and pursue the object at Amherstburg, and strongly desirous of continuing protection to a very large number of the inhabitants of Upper Canada, who had voluntarily accepted it under my proclamation, I established a fortress on the banks of the river, a little below Detroit, calculated for a garrison of three hundred men. On the evening of the 7th, and morning of the 8th inst. the army, excepting the garrison of 250 infantry, and a corps of artillerists, all under the command of major Denny of the Ohio volunteers, re-crossed the river, and encamped at Detroit. In pursuance of the object of opening the communication, on whom I considered the existence of the army depending, a detachment of six hundred men, under the command of lieutenant-colonel Miller, was immediately ordered. For a particular account of the proceedings of this detachment, and the memorable battle which was fought at Maguago, which reflects the highest honor on the American arms, I refer you to my letter of the 13th August inst. a duplicate of which is enclosed, marked G. Nothing however but honor was acquired by this victory; and it is a painful consideration, that the blood of seventy-five gallant men could only open the communication, as far as the points of their bayonets extended. The necessary care of the sick and wounded and a very severe storm of rain, rendered their return to camp indispensably necessary for their own comfort. Captain Brush, with his small detachment, and the provisions being still at the river Raisin, and in a situation to be destroyed by the savages, on the 13th inst. in the evening, I permitted cols. M'Arthur and Cass to select from their regiment four hundred of their most effective men, and proceed an upper route though the woods, which I had sent an express to captain Brush to take, and had directed the militia of the river Raisin to accompany him as a reinforcement. The force of the enemy continually increasing, and the necessity of opening the communication, and acting on the defensive, becoming more

apparent, I had, previous to detaching cols. M'Arthur and Cass on the 11th inst. evacuated and destroyed the fort on the opposite bank. On the 13th in the evening, gen. Brock arrived at Amherstburg about the hour colonels M'Arthur and Cass marched, of which at that time I had received no information. On the 15th I received a summons from him to surrender fort Detroit, of which the paper marked A. is a copy. My answer is marked B. At this time I had received no information from cols. M'Arthur and Cass. An express was immediately sent strongly escorted with orders for them to return. On the 15th, as soon as general Brock received my letters, his batteries opened upon the town and fort, and continued until evening. In the evening all the British ships of war came nearly as far up the river as Sandwich, three miles below Detroit. At day light on the 16th (at which time I had received no information from cols. M'Arthur and Cass, my expresses, sent the evening before, and in the night, having been prevented from passing by numerous bodies of Indians) the cannonade recommenced, and in a short time I received information, that the British army, and Indians, were landing below the Spring wells, under the cover of their ships of war. At this time the whole effective force at my disposal at Detroit did not exceed eight hundred men. Being new troops, and unaccustomed to a camp life; having performed a laborious march; having been engaged in a number of battles and skirmishes, in which many had fallen, and more had received wounds, in addition to which a large number being sick, and unprovided with medicine, and the comforts necessary for their situation; are the general causes by which the strength of the army was thus reduced. The fort at this time was filled with women, children, and the old and decrepid people of the town and country; they were unsafe in the town, and it was entirely open and exposed to the enemy's batteries. Back of the fort, above or below it, there was no safety for them on account of the Indians. In the first instance, the enemy's fire was principally directed against our batteries; towards the close, it was directed against the fort alone, and almost every shot and shell had their effect.

It now became necessary either to fight the enemy in the field; collect the whole force in the fort; or propose terms of capitulation. I could not have carried into the field more than six hundred men, and left any adequate force in the fort. There were landed at that time of the enemy a regular force of much more than that number of Indians. Considering this great inequality of force, I did not think it expedient to adopt the first measure. The second must have been attended with great sacrifice of blood, and no possible advantage, because the contest could not have been sustained more than a day for the want of powder and but a very few days for the want of provisions. In addition to this, colonels M'Arthur and Cass would have been in a most hazardous situation. I feared nothing but the last alternative. I have dared to adopt it—I well know the high responsibility of the measure, and I take the whole of it on myself. It was dictated by a sense of duty, and a full conviction of its expediency. The bands of savages which had then joined the British force were numerous beyond any former example. Their numbers have since increased, and the history of the barbarians of the north of Europe, does not furnish examples of more greedy violence than these savages have exhibited. A large portion of the brave and gallant officers and men I commanded would cheerfully have contested until the last cartridge had been expended, and the bayonets worn to the sockets. I could not consent to the useless sacrifice of such brave men, when I knew it was impossible for me to sustain my situation.—It was impossible in the nature of things that an army could have been furnished with the necessary supplies of provisions, military stores, clothing and comforts for the sick, on pack horses, through a wilderness of two hundred miles, filled with hostile savages. It was impossible, sir, that this little army, worn down by fatigue, by sickness, by wounds, and deaths, could have supported itself not only against the collected force of all the northern nations of Indians; but against the united strength of upper Canada, whose population consists of more than twenty times the number contained in the territory of Michigan, aided by the principal part of the regular forces of the province, and the wealth and influence of the north west and other trading establishments among the Indians, which have in their employment and under their entire control more than two thousand white men. Before I close this dispatch it is a duty I owe my respectable associates in command, colonels M'Arthur, Findley, Cass, and lieutenant-colonel Miller, to express my obligations to them for the prompt and judicious manner they have performed their respective duties. If aught has taken place during the campaign, which is honorable to the army, these officers are entitled to a large share of it. If the last act should be disapproved, no part of the censure belongs to them. I have likewise to express my obligation to general Taylor, who has performed the duty of quarter-master-general, for his great exertions in procuring every thing in his department which it was possible to furnish for the convenience of the army; likewise to brigade major Jessup for the correct and punctual manner in which he has discharged his duty; and to the army generally for their exertion, and the zeal they have manifested for the public interest. The death of Dr. Foster soon after he arrived at Detroit, was a severe misfortune to the army; it was increased by the capture of the Chachaga packet, by which the medicine and hospital stores were lost. He was commencing the best arrangements in the department of which he was the principal, with the very small means he possessed. I was likewise deprived of the necessary services of captain Partidge by sickness, the only officer of the corps of engineers attached to the army. All the officers and men have gone to their respective homes, excepting the 4th United States' regiment, and a small part of the first, and captain Dyson's company of artillery. Captain Dyson's company was left at Amhertsburg, and the others are with me prisoners—they amount to about three hundred and forty. I have only to solicit an investigation of my conduct as early as my situation, and the state of things will admit; and to add the further request, that the government will not be unmindful of my associates in captivity, and of the families of those brave men who have fallen in the contest.

I have the honor to be, very respectfully, your most obedient servant,

W. HULL, Brig. Gen.
Commanding the N. W. army of the U. States.

Hon. W. Eustis,
Sec'ry of the department of war.

Copies of letters from brigadier general Hull to the department of war, accompanying the preceding dispatch.

Sandwich, August 7, 1812.

Sir—On the 4th inst. major Van Horn, of colonel Findley's regiment of Ohio volunteers, was detached from this army, with the command of 200 men, principally riflemen, to proceed to the river Raisin, and further, if necessary, to meet and reinforce capt. Brush, of the state of Ohio, commanding a company

of volunteers, and escorting provisions for this army. At Brownstown, a large body of Indians had formed an ambuscade, and the major's detachment received a heavy fire, at the distance of fifty yards from the enemy. The whole detachment retreated in disorder. Major Vanhorn made every exertion to form, and prevent the retreat, that was possible for a brave and gallant officer, but without success. By the return of killed and wounded, it will be perceived, that the loss of officers was uncommonly great. Their efforts to rally their companies was the occasion of it.

I am, very respectfully,
You most obedient servant,
WILLIAM HULL.

Hon. W. Eustis, secretary of war.

Report of killed in Major Vanhorn's defeat.

Captains Gilchrist, Ullery, M'Callough of the spies, Bœrstler severely wounded, and not expected to recover (since dead); lieutenant Pentz; ensigns Roby and Allison; 10 privates.—Total 17.

Number of wounded, as yet unknown.

Detroit, August 13, 1812.

Sir—The main body of the army having re-crossed the river at Detroit, on the night and morning of the 8th inst. six hundred men were immediately detached under the command of lieutenant colonel Miller, to open the communication to the river Raisin, and protect the provisions, which were under the escort of captain Brush. This detachment consisted of the 4th United States' regiment and two small detachments under the command of lieutenant Stansbury and ensign M'Labe, of the 1st regiment; detachments from the Ohio and Michigan volunteers, a corps of artillerists, with one six pounder and an howitzer under the command of lieutenant Eastman, and a part of captains Smith and Sloan's cavalry commanded by captain Sloan of the Ohio volunteers. Lieutenant colonel Miller marched from Detroit on the afternoon of the 8th instant, and on the 9th about 4 o'clock p. m. the van guard, commanded by captain Snelling of the 4th United States' regiment, was fired on by an extensive line of British troops and Indians at the lower part of Maguago about fourteen miles from Detroit. At this time the main body was marching in two columns, and captain Snelling maintained his position in a most gallant manner, under a very heavy fire, until the line was formed and advanced to the ground he occupied, when the whole, excepting the rear guard, was brought into action. The enemy were formed behind a temporary breast work of logs, the Indians extending in a thick wood on their left. Lieutenant colonel Miller ordered his whole line to advance, and when within a small distance of the enemy made a general discharge, and proceeded with charged bayonets, when the whole British line and Indians commenced a retreat. They were pursued in a most vigorous manner about two miles, and the pursuit discontinued only on account of the fatigue of troops, the approach of evening, and the necessity of returning to take care of the wounded. The judicious arrangements made by lieutenant colonel Miller, and the gallant manner in which they were executed, justly entitle him to the highest honor. From the moment the line commenced the fire, it continually moved on, and the enemy maintained their position until forced at the point of the bayonet. The Indians on the left, under the command of Tecumseh, fought with great obstinacy, but were continually forced and compelled to retreat. The victory was complete in every part of the line, and the success would have been more brilliant had the cavalry charged the enemy on the retreat, when a most favorable opportunity presented. Although orders were given for the purpose, unfortunately they were not executed. Majors Vanhorn and Morrison, of the Ohio volunteers, were associated with lieutenant colonel Miller, as field officers in this command, and were highly distinguished by their exertions in forming the line, and the firm and intrepid manner they led their respective commands to action.

Captain Baker of the 1st United States' regiment, captain Brevort of the second, and captain Hull of the 13th, my aid-de-camp and lieutenant Whistler of the 1st requested permission to join the detachment as volunteers. Lieutenant colonel Miller assigned commands to captain Baker and lieutenant Whistler, and captains Brevort and Hull, at his request, attended his person and aided him in the general arrangements. Lieutenant colonel Miller has mentioned the conduct of these officers in terms of high approbation. In addition to the captains who have been named, lieutenant colonel Miller has mentioned capts. Burton and Fuller of the 4th regiment, captains Saunders and Brown of the Ohio volunteers, and captain Delandre of the Michigan volunteers, who were attached to his command, and distinguished by their valor. It is impossible for me in this communication to do justice to the officers and soldiers, who gained the victory which I have described. They have acquired high honor to themselves, and are justly entitled to the gratitude of their country.

Major Muir of the 41st regiment commanded the British in this action. The regulars and volunteers consisted of about four hundred, and a larger number of Indians. Major Muir and two subalterns were wounded, one of them since dead. About forty Indians were found dead on the field, and Tecumseh their leader was slightly wounded. The number of wounded Indians who escaped has not been ascertained. Four of major Muir's detachment have been made prisoners, and fifteen of the 41st regiment killed and wounded. The militia and volunteers attached to his command were in the severest part of the action, and their loss must have been great—it has not yet been ascertained.

I have the honor to be,
Your most obedient servant,
W. HULL, Brig. Gen.
Commanding N. W. army.

Hon. W. Eustis, secretary of war.

Return of killed and wounded in the action fought near Maguago, August 9, 1812.

4th United States' regiment—10 non-commissioned officers and privates killed, and forty-five wounded; captain Baker of the 1st regiment of infantry; lieutenant Larabee of the 4th; lieutenant Peters of the 4th; ensign Whistler of the 17th, doing duty in the 4th; lieutenant Silly, and an ensign, whose name has not been returned to me, were wounded.

In the Ohio and Michigan volunteers, 8 were killed and 13 wounded. W. HULL.

MICHILIMACKINAC.

Extract of a letter from lieutenant Hanks, deceased, late commandant of Michilimackinac, to gen. Hull, dated

Detroit, August 4.

SIR,—I take the earliest opportunity to acquaint your excellency of the surrender of the garrison of Michilimackinac, under my command, to his Britannic majesty's forces under the command of captain Charles Roberts, on the 17th ult. the particulars of which are as follows: On the 16th, I was informed by the Indian interpreter, that he had discovered from an Indian that the several nations of Indians then at St. Joseph, a British garrison distant 45 miles intended to make an immediate attack on fort Michilimackinac. I was inclined, from the coolness I had discovered in some of the principal chiefs of the Ottawa and Chippawa nations, who had but a few days before professed the greatest friendship for the United States, to place confidence in this report. I immediately called a meeting of the American gentlemen then on the island, in which it was thought proper to dispatch a confidential person to St. Joseph, to watch the motions of the Indians. Captain Daurman, of

the militia, was thought the most suitable for this service. He embarked about sun set, and met the British forces within 10 or 15 miles of the island, by whom he was made prisoner and put on his parole of honor. He was landed on the island at day break, with positive orders to give no intelligence whatever. He was also instructed to take the inhabitants of the village indiscriminately to a place on the west side of the island, where their persons and property should be protected by a British guard; but should they go to the fort they would be subject to a general massacre by the savages, which would be inevitable if the garrison fired a gun. This information I received from Dr. Day, who was passing through the village when every person was flying for refuge to the enemy. Immediately on being informed of the approach of the enemy, I placed ammunition, &c. in the block houses, ordered every gun charged, and made every preparation for action. About 9 o'clock I could discover that the enemy were in possession of the heights that commanded the fort, and one piece of their artillery, directed to the most defenceless part of the garrison. The Indians at this time were to be seen in the edge of the woods. At half past 11 o'clock the enemy sent in a flag of truce, demanding a surrender of the fort and island to his Britannic majesty's forces. This, sir, was the first information I had of the declaration of war; I however, had anticipated it, and was as well prepared to meet such an event as I possibly could have been with the force under my command, amounting to 57 effective men, including officers. Three American gentlemen who were prisoners, were permitted to accompany the flag: from them I ascertained the strength of the enemy to be from 900 to 1000 strong, consisting of regular troops, Canadians and savages; that they had two pieces of artillery, and were provided with ladders and ropes for the purpose of scaling the works if necessary. After I had obtained this information, I consulted my officers and also the American gentlemen present, who were very intelligent men; the result of which was that it was impossible for the garrison to hold out against such a superior force. In this opinion I fully concurred, from conviction that it was the only measure that could prevent a general massacre. The fort and garrison were accordingly surrendered.

"The enclosed papers exhibit copies of the correspondence between the officer commanding the British forces and myself, and of the articles of capitulation. This subject involved questions of a peculiar nature; and I hope, sir, that my demands and protests will meet the approbation of my government. I cannot allow this opportunity to escape without expressing my obligation to doctor Day for the service he rendered me in conducting this correspondence.

"In consequence of this unfortunate affair, I beg leave, sir, to demand that a court of enquiry may be ordered to investigate all the facts connected with it; and I do further request, that the court may be speedily directed to express their opinion on the merits of the case. I have the honor to be,

P. HANKS, *Lieut. of artillery.*

His Excellency General Hull,
Commanding the N. W. army."

"P. S. The following particulars relative to the British force were obtained after the capitulation, from a source that admits of no doubt:

Regular troops 46 (including 4 officers); Canadian militia 250; Sioux 56; Winnebagoes 48; Tallesawains 39; Chippewas and Ottawas 572—Savages 715—Whites 306.—Total 1021.

"It may also be remarked that one hundred and fifty Chippewas and Ottawas joined the British two days after the capitulation.

P. H."

[Here follows the capitulation, which was published some time ago.]

Extract of a letter from a gentleman in the Indian Department to the Secretary of war, dated Detroit, August 6.

"I arrived on the 16th at Michilimackinac, and on the 17th it capitulated to the British from St. Josephs' on Lake Superior. I have endeavored to ascertain the number of the British and Indians employed against Michilimackinac, and believe the following to be tolerably accurate:

British regulars 42 and four commissioned officers.
British subjects or inhabitants of Mackinac 70.
Canadians or boat men, in the service of the Indian traders, 250.
Indians 500.

Collected at, and who accompanied, the British from St. Josephs' consisting of Chippewas and Ottawas 357; Sioux 56; Winnibagoes 48; Falls Avoine 39; and from 80 to 100 Chippewas and Ottawas joined the above while on their way from St. Josephs' and after the disembarkation at Mackinac. To the above must be added the armed brig Caledonia, belonging to or in the service of the North Western Trading Company.

150 Indians consisting of Chippewas and Ottawas, headed by the Old Bastard, arrived two days after the fort capitulated, and were to have co-operated with the others, and shortly after a number of the north western traders arrived and announced they left at the Grand Portage from 5 to 600 Indians and Canadians, whom they assembled for the purpose of reinforcing the above, should Mackinac not have surrendered. The persons who commanded the Indians, are Robert Dickson, Indian trader, and John Assin, junr. Indian agent, and son. The latter two were painted, dressed and armed after the manner of the Indians. Those who commanded the Canadians are John Johnson, Crawford, Pothier, Armitingen, La Croix, Rolette, Franks, Livingston and others, all Indian traders; some of whom were lately concerned in smuggling British goods into the Indian country, and who in conjunction with others, have been using their utmost efforts several months before the declaration of war, to excite the Indians to take up arms against the United States.

Having been made prisoner and taken to the British and Indian camp, I had an opportunity of seeing many savages dressed in the British uniform, carrying numerous British standards, and armed with British manufactured arms, &c. The least resistance from the fort would have been attended with the destruction of all the persons who fell into the hands of the British, as I have been assured by some of the British traders, and the same fate, as I have been assured, would have attended the officers and soldiers, had a single Indian been killed. Nothing else, it is said, would have satisfied the Indians, and it was not without great difficulty they were prevented from taking the lives of several Americans, after the fort capitulated.

The vessel in which the public packs (99 in number) were shipped, was captured off Mackinac by the brig Caledonia and two or three armed boats.

The British commanding officer at Mackinac informed me that public letters, directed to me, had fallen into his possession, and that he should forward them to the lieutenant-governor of Upper Canada."

General Hull.—We have now before us the official letters of this unfortunate commander. If we give all faith to every thing he says, we must acquit him of treachery, though we may form opinions of his conduct *almost* as dishonorable to him.

General Hull has arrived at Albany, on parole.—He refuses to say any thing in justification of his conduct, situated as he is at present; but affirms that at the proper time he will vindicate it.

With great gladness of heart we are informed that numerous corps of volunteers are forming in the states of Massachusetts and Connecticut, whose officers are to receive commissions from the president of the United States, and will stand in lieu of the quotas of militia from these states, refused by the governors to be placed under the direction of the general government, for the defence of the coast, &c.

Three thousand *volunteers* are organized in the district of Maine under the command of brigadier-general Ulmer.

The *Columbian* informs us that the state of New-York has 10,000 men in garrison and in the field.—This state yields to none in patriotic exertions.

It is understood (says a Vermont paper of Sept. 14,) that the whole of this state's quota or proportion of the 100,000 militia, detached for the United State's service, have received orders to march immediately for Burlington; and all those from this vicinity are now on their way thither.

A detachment of 350 men of the United States 9th regiment under command of col. Larned, marched from Pittsfield, Mass. on the 9th inst. to join the northern army.

Many detachments of volunteers are still marching from Kentucky to the frontiers, under the command of the much beloved *Harrison*, we confidently trust that glory will attend them.

The 7th regiment is expected at New-Orleans. Some of the regular troops have already arrived there, and general Wilkinson has demanded of the governor 2000 men, to aid in the defence of the state. The British are assisting the Spaniards in fortifying Pensacola, and are very zealous in forming "a holy alliance" with the Creek Indians. Thus have they been induced to sign their own death warrants by unburying the tomahawk against the whites.

A fine volunteer company of about 100 young men have offered their services to the president and are about to march from Pittsburg, Va. for the north.—The citizens by a liberal subscription have amply provided for their convenience. At a public meeting of the citizens it was resolved that the thanks thereof be presented to the *ladies* for the zeal they had displayed in aiding the equipment of the corps.

The force at Sacket's Harbor is upwards of 2000 men. The whole force under brigadier gen. Harrison, will amount to about 8000 men, in a very short time.

Col. James Smith, of Indian memory, who distinguished himself in early times as an enemy to the tyranny of Britain, who was one of the Black boys,

of the Sideling, Hill expedition in Pennsylvania, so much celebrated, and who is nearly 80 years of age, has gone to join our army. When he heard of the surrender of Hull, his patriotic soul could not rest until he determined to throw in his mite, for the defence of his country, for whose liberty and rights he has devoted a long life. *Western paper.*

We understand, says the Boston Chronicle, that all the officers of the late North Western army who have families, have been paroled, and are on their way home. Capt. Snelling, who particularly distinguished himself at Tippecanoe, and at the action near Brownstown, and who would doubtless have reaped fresh laurels at Malden or Detroit had he been permitted so to do, arrived in this town (his native place) on Tuesday evening last. We have conversed with capt. Snelling, and find that the previous accounts of the unexpected and fatal surrender of Detroit were but too true. He agrees in his general statement with the affidavit of capt. David Dobbin.

It is pleasant to observe the liberal attentions that have been paid by the ladies, in many parts of the U. States, to the regular troops and volunteers passing to the northward, At Aaronsburg, Pa. they provided an elegant supper and breakfast for five companies of riflemen marching to Meadville, and had erected in the middle of the street, through which they were to pass, a large and elegant triumphal arch, under which the volunteers marched when the line was taken up in the morning.

NORTHUMBERLAND, (Pa.) Sept. 8.

On Sunday last, passed through this town upwards of 300 regular troops under the command of colonel Bœrstler, on their way to Detroit. We understand that a number more will be on in a few days.

From the best information we have been able to collect (says a Frankford paper,) the following is about the force Gen. *Harrison* has with him from *Kentucky:*

Colonel Allen's regiment,	650
Scott's do	600
Lewis' do	650
Poague's do	640
Barbee's do	640
Jennings' do	600
Mounted Volunteers (for a short period)	500
Regulars under colonel Wells,	400
Colonel Simrall's regiment of horse,	300
Captain Gerrard's troop of horse,	80
Total	5,060

These troops will probably march on immediately to Detroit, and thus force the Indians to rally about Malden, to defend his majesty's dominions—while gen. Hopkins will employ the following force for the destruction of the Wabash Indians, and perhaps co-operate with Harrison:

Colonel Wilcox's regiment (now at Vincennes)	588
Miller's regiment (on their march to Vincennes)	700
Mounted Volunteers, (say)	600
Total	1,888

In the above estimate it will be observed colonel Barbour's regiment, which has marched to the aid of Edwards, is not included. We have no idea of the force *Ohio* and *Indiana* will add to the above.

About 1200 volunteers completely equipped, passed through Pittsburg during the week ending Sept. 17, on their way to Meadville.

The Indians are committing dreadful depredations on the frontiers—there is every prospect of an extensive Indian war, unless the *head-quarters* of the savages in *Canada* are immediately broken up.

ZANESVILLE, (Ohio) Sept. 16.

The treaty making at Piqua has been broken up. The commissioners' report will be given in our next. The Indians who attended there are required to remain within our protection, and are enrolled and mustered daily to prevent desertion. The warriors are said to amount to upwards of 300 men. Gen. Harrison has marched with a strong force to fort Wayne, 700 of whom are mounted riflemen and musketeers. Gov. Meigs remains at Urbana with a strong force, waiting orders from the war department. Detroit has a small detachment left in it as a guard by the British, but they have carried off the greater part of its supplies. Malden is also defended at present by a small force.

September 2.

Died, in Detroit, on Sunday the 16th ult. Dr. James Reynolds, surgeon's mate in colonel Cass's regiment of the Ohio volunteers, and only brother to major John Reynolds, of this county—aged 24 years. His death was occasioned by a cannon shot from a battery erected by the British after the evacuation of Sandwich, which carried away one of his thighs and part of the other. He survived his wounds about half an hour, and died with fortitude—Among his last words he is said to have expressed himself as follows: "*Fight on my brave comrades—I shall never see Zanesville—I die in peace.*"

"O pity, if the holy tear,
Immortal, decks the wing of time,
'Tis when the soldier's honor'd bier,
Demands the glittering drop sublime;
For who, from busy life remov'd,
Such glorious, dang'rous toil has prov'd
As he, who on th' embattled plain
Lies, *nobly slain?*

The Indians have committed several murders in the Indiana territory. Great consternation prevailed. But confidence was in great degree restored, as considerable bodies of militia were collected with a view of attacking the savages in their towns.

From Montreal, Sept. 7.—"Yesterday gen. HULL, and the 4th regiment United States regulars, arrived here, prisoners of war, and were confined in the government house. The general rode at their head in a calash, and looked dignified, but distressed.—A great crowd followed them, and when the troops which guarded them arrived at the government-house the populace gave three cheers, and the drums beat *Yankee Doodle.* If this was intended as an insult to the prisoners, it was mean and pitiful."

NAVAL.

We hear of about 12 or 13 British vessels of war on our coasts—Commodore Rodgers, perhaps, will soon scatter them, as they are only frigates. He was expected to sail from Boston on Thursday last, with the whole naval force at that place, in high spirits and panting for an opportunity to signalize themselves.

The frigate President received a new main yard in Boston. It is 92 feet in length.

The U. S. corvette John Adams is ordered to be dismantled at New-York as unfit for naval service, and will be used as a prison ship.

The U. S. sloop of war ALERT has arrived at New-York as a cartel with 232 American prisoners—there remained in Halifax nearly 1200 prisoners.——Since the arrival of the Alert several other cartels have reached the United States.——It seems to be the disposition of both governments to relieve themselves of their prisoners as soon as possible. We have the satisfaction to observe that, as yet, the balance is much in our favor; though, as must have been expected, many of our vessels have been captured.

Captain Bulkeley, an old successful cruiser of the

revolution, is fitting out a privateer of 20 guns at New-London, Connecticut. Another fine vessel is also preparing at that place. New-privateers appear to be fitting out in all the eastern ports.——The following are nearly ready for sea at New York——Ships Volunteer, 22 guns; Chinese, 18 do. Brigs Holkar* 16 do. Anaconda 18 do. Retaliation 9 do. Schrs. Isaac Hull, 17 do. Governor Tompkins, 16 do. Tartar, 7 do. Swallow, 6 do.

The British continue to capture and send into Bermuda all the vessels under Spanish colors they meet with, considering them as being truly American.

The James Madison privateer has been dearly captured by the Jason frigate. The brave fellows would not strike till they had fired a broadside which killed seventeen of the Jason's crew.

The Paul Jones privateer is said to have captured fourteen British vessels near Porto Rico, some of them large and valuable. None of the prizes have yet arrived.

The privateer Shadow, of Philadelphia, has been lost. All her crew perished. Particulars are not known, but it is supposed she run under while chased by a British vessel of war.

Our squadron, it appears, being seen at sea, have been taken for a squadron of French frigates by the English.

Nautical novelty.—There has arrived at Salem a privateer boat of about *ten* tons, that during her cruise has captured three small English vessels. It will not much amaze us, by and bye, if these people go out to fight the enemy in *washing tubs*—their hardihood and enterprize is equal to any thing.

Twenty American privateers have been sent into Halifax, or destroyed, by the British since the declaration of war. Three or four of them were valuable vessels—the rest chiefly fitted out for the moment, and, of themselves, of no importance—their brave crews returning.

A vessel left New-York bound up the Hudson, on the 20th instant, with 100 seamen, and twenty 32 pounders, for the Lakes.

From the 6th of April to the 22d of August last, there arrived at the port of New-York, from foreign places, 142 ships, 84 brigs and 40 schooners, in all, 267 preserved from the fangs of the enemy.

First condemnations in England.—A London paper of August 3, says—twelve American vessels, with their cargoes were condemned on Thursday morning by sir Wm. Scott, judge of the Admiralty court.

It is with regret we have seen it slyly insinuated, or positively stated in some of the papers, that the brave captain Hull has been dismissed from the service or retired in disgust, in consequence of a misunderstanding with the secretary of the navy; all which reports or assertions are unfounded in every particular—the real cause of his temporary retirement was mentioned in our last.

At a meeting of the common council of New-York, on the 18th inst. it was resolved, "that the FREEDOM of the city be presented to captain Hull in a gold box, with an appropriate inscription, and that his honor the mayor be requested to forward the same, with a copy of this resolution."

Extract of a letter from Halifax, Sept. 10, received at Boston.—"Sir J. B. Warren is coming out from England with four or five sail of the line. Whether he will touch here, or go to the Chesapeake first, is uncertain; but he is entrusted with a very extensive command, including the Jamaica and Windward Island stations, and with full powers to *negotiate a peace*, should he find the American government so disposed."

The Halifax papers say, the American licensed vessels from England, sent in there, will with their cargoes, be protected for whoever the property belongs to, Englishmen or American.

A British gun brig and armed schooner lying in St. Thomas' have been challenged to come out by two of our privateers.

NEW-YORK, Sept. 22.

We understand that Isaac Chauncey is appointed to the rank of commodore, and will leave this city on Wednesday for the lakes, with 600 as hearty tars as ever floated, who have volunteered their services in defence of their country.

Extract from the log-book of the schooner Atlas, capt. David Maffet.

August 3, in lat. 37, 30, long. 46 west, at half past 8 A. M. made two sail to the westward standing to the N. E. tacked to the southward—at half past 9 tacked to the northward—at 10 A. M. beat to quarters and cleared for action.

At half past 10 bore away for both ships, and hoisted the American ensign and pendant—at three quarters past 10 the smallest ship fired a shot at us, both ships at this time, having English colors flying.

At 11 A. M. the action commenced by a broadside and musquetry from the Atlas, which continued *(engaging both ships at the same time)* until noon, when the small ship struck her colors. We then directed the whole of our fire against the large ship, but to our utmost surprise the small ship again opened her fire on us, although her colors were still down; we again commenced firing on her and in a few minutes drove every man off her decks.

At 20 minutes past meridian the large ship struck—we immediately took possession of them; one proved to be the ship Pursuit, capt. Chivers, of London, of 450 tons, 16 guns, 18 and 9 pounders, with a complement of 35 men; the other the ship Planter, capt. Frith, of Bristol of 280 tons, 12 guns, 12 pounders, and 15 men; both with valuable cargoes of sugar, coffee, cotton and cocoa, 30 days out from Surinam bound to London.

Shifted the prisoners; put a prize master, mate, and crew on board of each of them and stood to the southward in company.

During the action we had John Council killed Wm. Curl mortally wounded, since dead; Murray Talbot severely wounded; and Joseph Monnack, James Gill, James Russell and Martin Christ, slightly wounded. Every one of the shrouds on the larboard side were shot away, some of them in two or three places, the running rigging and sails very much cut.

In consequence of the disabled condition of our rigging and our fore yard being gone, capt. Maffet determined on convoying the prizes to the first port in the United States, to refit; kept in company with the prizes until Wednesday the 2d September, when at half part 4 A. M. we made a large ship to the eastward standing to the southward, at half past 5, she tacked after us; in chase we bore down and spoke the Pursuit, and ordered the prize master to tack to the southward and make the first port he could—at 6 spoke the Planter and informed the ship in chase was a frigate, and ordered him to make all sail to the northward—at 10, the Pursuit out of sight to the southward—at 11, backed the main top-sail, the strange sail coming up fast with the Planter—at meridian tacked to the southward—at half past 1 P. M. the frigate fired five guns at the Planter, which obliged her to bring too, supposing her to be a British frigate as she kept English colors flying, we made

* The old planters and merchants in the West Indies will feel unpleasant at the mere *name* of this vessel.

sail to the westward—at half past 3 P. M. the frigate and the Planter still in sight, lying too, the American colors still flying at the Planter's mizen peak.

We have every reason to suppose that the large ship escaped, as she was five hours out of sight before we lost sight of the frigate and the Planter. [The prizes have safely arrived.]

THE BRIG TULIP.

District court of Pennsylvania, September 11, 1812.

The brig TULIP, FUNK, master, was captured and brought into the port of Philadelphia for adjudication, by the private armed schooner ATLAS, Maffet, commander, and both vessel and cargo were claimed for WILLIAM SHAW, merchant, of New-York.

The case was argued for several days, by Mr. DALLAS for the captors, and by Messrs. HOPKINSON and BINNEY for the claimant.

This day judge PETERS pronounced a decree condemning both vessel and cargo, as lawful prize; principally on the ground that, at the time of the capture, the vessel was sailing in the service of the enemy, under a contract between the claimant and Mr. FOSTER, the late *British* minister, to land a messenger, with despatches, in *England*, in the course of her voyage from *New-York*, ostensibly for *Lisbon*.

American Prizes.

(WEEKLY LIST,—CONTINUED FROM PAGE 48.)

177. Ship Esther, 12 guns, 25 men, a valuable vessel—sent into Gloucester by the Montgomery of Salem.

178. Schooner Venus, privateer built, with a valuable cargo from the West Indies—sent into New-York by the Teazer privateer.

179, Ship Quebec, from Jamaica, 16 guns 52 men, burthen 400 tons—laden with sugar, &c. valued at 300,000$—sent into New-York by the Saratoga, of that port. Her cargo consists of 334 hhds. sugar, 59 puncheons rum, 636 bales cotton, 52 tierces coffee, 51-2 tons logwood, 70 tons fustic, 1 ton ebony, a quantity of old copper, castor oil, hides and spars. The Saratoga has returned to port with between 70 and 80 prisoners on board—nearly as many as her crew at present consists of.

180. Ship Richmond, 14 guns, 25 men besides officers, *eight hundred tons* burthen, deeply laden with West India produce, worth 200,000$—captured on her voyage from Jamaica for London, and sent into Portsmouth by the privateer Thomas.

181. Ship Adonis, of Greenock, 12 guns and 25 men, a valuable vessel in ballast, from Newfoundland for Nova Scotia—sent into Salem by the Montgomery privateer.

182. Ship Falmouth, 14 guns, 30 men, from Jamaica for Bristol (E.) with a cargo valued at 200,000$ sent into Portsmouth by the Thomas, of that port.

[The ship captured by the Atlas, and sent into Philadelphia, (see prize-list, No. 162) is called the PURSUIT.]

183. Brig Two-Friends, sent into Boston by the Benjamin Franklin privateer.

184. Snow Friends, 6 guns, burthen 290 tons, laden with timber, &c. sent into do. by the Dart privateer.

185. Brig William, sent into Boston by the Rossie of Baltimore.

186. Schooner Trial, sent into Salem by the Leader, of Providence.

187. Schooner John & George, sent into Boston by the Regulator privateer.

188. Ship ———, chiefly laden with rum, sent into Wilmington (N. Carolina,) by the Poor Sailor, of Charleston.

189. Brig ———, with above 200 hhds. rum, sent into Portland by the Dart privateer.

190. Schooner Mary Ann, with a cargo of rum and coffee—sent into Norfolk by the privateer Blackjoke, of New-York.

Supplies for the Army.

The *Aurora* informs us that abundant provision has been made to supply the army with clothing of *American* manufacture. Large quantities of home-made Kerseys, of a very superior quality, have been contracted for, and in part received. A single woolen manufacturer in New-Hampshire has contracted to furnish *five thousand yards of cloth per month*.—EVEN *blankets* appear to be coming forward in sufficient quantities. One individual has offered to furnish a *million of pounds* of gun-powder per annum.—The prices of all these articles are considerably reduced, and the editor says, "the supplies from domestic resources are so ample as to keep foreign monopolists and forestallers in check; and after the present year, such are the resources of the country, that we shall not require a single article of foreign manufacture to supply the army, should it be required to clothe 50,000 men."

Blessed effects of the orders in council!

MATERIALS OF WAR.

Messrs. M'Kinney and Bancroft have a powder manufactory at Moreau, in this county, which with suitable encouragement would furnish powder sufficient for the consumption of the state. Their powder is of an excellent quality. Messrs. Coggswell and Hosford are erecting a gun factory in Albany, it is intended to produce at least 25,000 stands of muskets yearly. They have engaged to supply whatever quantity may be wanted by the state. Messrs. Stafford and Rodgers of Albany, have nearly completed a furnace in that city, for the casting of cannon on an extensive scale. A Mr. Hanks of Washington village (opposite Troy) deserves great credit for his skill and enterprize. He has actually cast several elegant pieces of brass cannon, and has contracts for 50 pieces. Let us not again be told that we are unprepared for war. *Saratoga Pat.*

North Western Frontiers.

Reply of Governor Meigs, to the Memorial of the citizens of Chilicothe, on the subject of protecting the frontiers.

Hon. THOMAS SCOTT, Esq. chairman of a meeting of the inhabitants of Chilicothe:

SIR—I have had the honor to receive yours of the 26th ult. enclosing certain resolutions. The moment I heard of the loss of Gen. Hull's army, I sent (by expresses) to every frontier general, orders to take immediate measures for the defence of the frontiers within their respective commands—Also, to advise the inhabitants to associate and erect blockhouses for the defence and accommodation of families. To all those generals, and at different places, I have sent arms and ammunition from the public stores at Urbana, and they are now on the frontiers carrying into effect those orders.

Soon after the issuing of these orders, I was called on by the commandant of fort Wayne, to afford him immediate relief, as he was apprehensive of an immediate attack by the Indians; while I was at Urbana, Gen. Worthington, Mr. Morrow and other gentlemen had made preparations for the relief of fort Wayne, by volunteers who had arrived from all quarters to the council on the 30th. Gen. Worthington,

general Lyde, colonel Dunlap and colonel Adams, advanced to St. Mary's on the 31st, with about 500 men.——I left Lormies on the 30th, when 200 more men moved for St. Mary's to join the others,* and proceed to fort Wayne, 55 miles from the latter place; 500 of these are mounted riflemen, and it is expected the relief will be effected. Ten thousand rations are ordered to Lormies—10,000 to St. Mary's and 20,000 to fort Wayne.

At Greenville, block-houses and a stockade are forming. Stations will be preserved at Lormies and St. Mary's. On the Urbana route to Maume, fort Manary and fort M'Arthur are reinforced, and the works enlarged by the erection of additional block houses and picquets. At Urbana, general Tupper has nearly 800 six-months troops, in good order;—which, if offensive operations should be resumed, will be placed under the order of general Harrison—if defensive only, they may be placed at different stations, to cover the frontiers. Governor Harrison has been appointed major-general by brevet, by the executive of Kentucky, and is now marching to this place five regiments of infantry, one of riflemen, one of dragoons, and one of mounted riflemen, making in the aggregate more than 4,000 men. To these will be added colonel Well's regiment of the U. States troops, now under the command of General Harrison, he being brigadier-general in the service of the United States. These forces will not be idle; they will soon engage the attention of the Indians from our frontiers; and it is highly fortunate that the forces are to be commanded by General Harrison, in whom is united the confidence of the inhabitants of the west.

At the council nothing is done, nor on our parts is intended to be, until we have adopted a system of military operations; and the troops arrive to the frontiers. Governor Harrison has desired to meet me, for the purpose of consultation, which will soon be had. I think that most of the friendly indians in this quarter will fortify and maintain the town of Waupakaneta, 27 miles from this. The Sandusky Indians will establish themselves at Zane's, 16 miles from Urbana, for which purpose, I have directed block-houses to be built for them there. The post at Upper Sandusky at the rapids of the Maume, may soon be occupied, and the country be well guarded from savage incursions. On the lake a number of posts will be established, at the mouths of the rivers. I have been minute in this communication, because I know an alarming anxiety pervades the state.

Upon the first news of Gen. Hull's capitulation, there was a spontaneous and rapid movement of armed citizens to the frontiers from every part of this section of the state, more than 1500 have returned. With regard to the other portions of the state, I have not heard. With the arrangements already detailed, and the prospect of so immediate and respectable a force, I must, with deference to your opinion, deem it unnecessary to call out the force by proclamation. It would have an effect to consume those provisions which are wanted for the troops above described, and without which general Harrison's army and the army at Urbana cannot operate. With regard to the propriety of donating land to the defenders of the frontiers, I readily agree with you; but nothing can be done in relation to that object, until congress shall be in session. I also readily concur in the propriety of proclaiming to all officers, civil and military, the urgent necessity of a prompt and faithful discharge of their duty, in the detection of traitors and spies. I expect to-morrow to repair to Dayton, with a view to make arrangements with governor Harrison, after which, the plan of volunteer enrollment may be adopted. By our law, every officer, in case of threatened or actual invasion) has a right to call out the whole or part of all the militia under his command. If any important event occurs, I will communicate it.

R. J. MEIGS.

* Logan, and a few of his Shawanoe warriors, accompanied them as spies in advance.

Extract of a letter from governor Meigs, to a gentleman in Chilicothe, dated

URBANA, Sept. 5, 1812.

"On the 3d inst. 500 Ohio volunteers were at St. Mary's. Yesterday I left Gen. Harrison at Piqua, with 2,000 Kentuckians, and colonel Wells with 400 regulars—2,000 Kentuckians are at or near Dayton. We have 1,000 Ohio six-months men here."

British Challenge.

Ignorant of the fate of the blustering *Dacres*, the commander of the Southampton frigate, sir *James Yeo*, has sent the following very polite message to captain *Porter* of the Essex. The king, "the fountain of honor" has *dubbed* this man a *knight*; we trust that Porter may have an opportunity of *drubbing* him into a *gentleman*.

"A passenger of the brig Lyon from Havanna to New-York, captured by the brig Southampton, sir James Yeo, commander, is requested by sir James Yeo, to present his compliments to captain Porter, commander of the American frigate Essex, would be glad to have a *tete-a-tete* any where between the capes of Delaware and the Havanna, when he would have the pleasure to break his own sword over his damned head and put him down forward in irons."

AMERICAN ACCEPTANCE.

"Captain *Porter*, of the United States frigate *Essex*, presents his compliments to sir *James Yeo*, commanding his Britannic majesty's frigate *Southampton*, and accepts with pleasure his polite invitation. If agreeable to sir James, captain Porter would prefer meeting near the Delaware, where, captain P. pledges his honor to sir James, that no other American vessel shall interrupt their *tete-a-tete*.

The Essex may be known by a flag bearing the motto—FREE TRADE AND SAILORS RIGHTS.

And when that is struck to the Southampton, captain Porter will deserve the treatment promised by sir James."

Philadelphia, September 18, 1812.

Naval Warfare.

The universal anxiety and constant looking of the people of the U. States to the *ocean* for the brilliant achievements of our seamen, would convince us that a navy, adequate to the defence of the coast, is indispensably necessary in the puplic estimation. How great its force should be—or to what power we can extend it by the voluntary enlistment of seamen (and no other mode for manning the vessels can be resorted to) are questions that we freely acknowledge ourselves unable to answer, even to our own satisfaction. But we are satisfied that an increase of our armed vessels must be made; and hope that the first act of congress at its next session, will be, to authorise the equipment of an additional number of vessels of war. There are very few ports in the United States that cannot furnish several stout and fast sailing ships capable of carrying from 20 to 30 *heavy* guns, and easily prepared to dispute the "sovereignty of the ocean," with the self-assured mistress of every sea.

If the proper appropriation is speedily made, twenty or thirty capital cruizers may be in readiness by the first of April, well calculated to come into contact with the light squadrons of the enemy, with which our coasts will be chiefly perplexed, and to assail his rich convoys with every prospect of glorious success. In our present little navy are many officers of the fairest promise, who only want opportunity to add to the laurels of their country, and our seamen have proved themselves to be every way fitted for the most daring enterprizes. The crew of the *Constitution* frigate, who so easily baffled all the skill and experience of the long-trained British seamen on board the *Guerriere*, had been recruited only a few weeks; and they appear to have been fully capable of defeating two such vessels at the same time, judging of the comparative damage done by the opposing frigates. Besides thousands of them have suffered *personal* injuries from the haughty "lords of the ocean," and pant for an occasion to avenge their individual wrongs. Let this feeling have play, and be directed to the common defeat of the foe, on that element so necessary to his existence as a nation; and without a supremacy on which he must dwindle to insignificance. Time will prove that he cannot—dare not—send hither those all-powerful and overwhelming fleets that we have been threatened with; and, in general, we might maintain a navy competent to preserve the coast from insult, by reason of the many places of safety and refuge it affords for our vessels, when in danger of encountering a superior force.

In the course of events, if the war should last long, the enemy will be dispossessed of Halifax, his great naval depot on this side of the Atlantic; an object not easily achieved but of the highest importance to be effected, and which will, therefore, be effected as the most desirable thing to baffle his designs on our coasts. In the interim, at least 300 privateers, and perhaps a mush greater number, will give full employ to a large portion of his navy; for a merchant ship will not put to sea but under convoy, and the convoys must consist of many armed vessels to insure the safety of the ships under charge as has already been proved by experience. The situation of the United States, compared with that of England is essentially different. However inconvenient it may be to some we can do without a regular foreign trade for many years, there being so many objects at *home* to which labor and capital may be applied with advantage. But if England is cut off from the sea; if every trench of her foreign and colonial trade is jeopardized (and so it will be) misery and distress will pervade the whole country, all the *domestic* objects of labor and capital being accomplished already. While the war lasts, let it be carried on by every possible means to injure the enemy, that he may be induced to those rights, of necessity that we have long besought him to reverence, for the justice of them. This is the general sentiment of the people, and congress will not be inattentive to the favorite object of a large portion of their constituents on the sea-board, to humble "their enemy in their own way"—While the gallant inhabitants of the west are supporting our standard in Canada, and trampling under their feet the white and red savages that have assailed them, let the citizens of the east a hardy band of *sea-boys*, on their own proper element, meet the overbearing foe, and teach him that on land or on water the republic is invincible.

A generous sentiment pervades the mind of our seamen. They unanimously believe themselves capable of defeating the English, man for man, and gun for gun. They are a more numerous body than all Europe possesses, Great Britain excepted, consisting of from 80 to 100,000 men, to whom the *idea* of fighting is familiar—looking upon death, come when it will, as a natural event, that must happen one time or another, not much matter when. With such a physical maritime force, and the means of applying it at hand, who can expect that our fleets (if we had them) would be blockaded as the *French* fleets are—afraid to shew themselves on their destined element?—It is true, that at times, they might be so blockaded, in some of our ports——but they would get out; and with redoubled zeal, make up for the moments lost. *We are at war*—we kept out of the contest as long as was possible consistently with the safety of the state—we have taken up arms only to obtain real peace. We make no arrogant claims—we desire nothing but simple justice, such as our enemy, in regard to himself, has always contended for with every nation—we have advanced no new doctrines—we only desire to maintain those principles which the enemy himself, in fact, acknowledges just, though from *expediency*, or his own real or imaginary wants, he refuses to practice—like the highwayman who says it is wrong to rob the traveller, but justifies the act to himself by his own necessities.—Under such circumstances, let the energy of every class of society be exerted in its most efficient way, that "*peace* with *commerce* and *free trade*" may bless the country. A *peace* undisturbed by the war whoop of the savage—a *peace* unmolested by the groans of the relatives of our citizens kidnapped with the same barbarity that disgraces the abominable trade to *Africa* for slaves—a *peace* without the ruin of our merchants for the property feloniously taken from them by legalized pirates—a *commerce*, free as the air that fills its canvas, unfettered by *licences* from foreign powers, refusing the payment of *tribute* to any—a *free trade* to carry the productions of our own soil to the best markets for them unrestrained by *orders in council* or *imperial decrees*, and restricted only by the immutable principles of reason, justice and law.

Employment of the Indians.

It appears that a meeting of the chiefs and head-warriors of the five nations of Indians was lately held at Buffaloe, N. Y. in which it was agreed to take up arms in defence of the United States; not placing themselves under the command of an officer of the United States, but to be led by their own chiefs, and carry on the war in their own way.

Though upon the fair principles of retaliation it may be justifiable thus to let loose the "horrible hell-hounds of war" upon the *women* and *children* of the British in *Canada*, we are decidedly opposed to the employment of an Indian force, and trust they will never be used except as guides and spies, for which they may be extremely useful. We have force enough to accomplish all our object, without the aid of the Indians, and therefore destitute even of the villain's plea, *necessity*. We are clearly of opinion that the accursed alliance between the British and Indians should be broken up—nay, it *must* be destroyed; and if no other means are thought effectual, would agree, that every English MAN found fighting in company with a savage, should be put to instant death. In the natural course of events, the indians themselves will be exterminated, or at least driven from the seat of their ancestors—their faithlessness and cruelty have incurred the penalty. But let us have no war-alliance with them—on the head of that nation that has carried terror and death into all parts of the world—that has destroyed more human beings than any other nation that ever existed—whose intrigues or arms have been fatally felt in every quar-

ter of the globe, *be the indeliable spot of blood for innocence murdered by savages.* It is the true spirit of *monarchy* to slay *women* and *children*, but very repugnant to the glorious principles of a republican government. To the 'bulwark of religion,' as G. Britain has been strangely called, let the credit exclusively attach for *infants tomahawked.* Her government is held responsible for these things by God and man.

Election of President.

At the ensuing election of president the whole number of votes in the several electoral colleges, will be 218—as follows:

Vermont	8
New-Hampshire	8
Massachusetts	22
Connecticut	9
Rhode-Island	4
New York	29
New-Jersey	8
Pennsylvania	25
Delaware	4
Maryland	11
Virginia	25
North Carolina	15
South Carolina	11
Georgia	8
Kentucky	12
Tennessee	8
Ohio	8
Louisiana	3
	218

Jamaica.

Exports from the island of Jamaica for the year ending Sept. 30, 1805, introduced at this time, to shew the importance of the trade of that island to the "mother country."

137,906 hhds. 17,977 tierces, 3,989 bbls. sugar.
53,281 punchs. 1,328 hhds. 133 bbls. 167 kegs, rum.
471 hhds. molasses.
2,128 bags, 315 casks, ginger.
7,157 bags, 288 casks, pimento.
24,137,393 lbs. coffee:
With many articles of minor value.

The duties on *sugar* from the *West-Indies*, have produced to the British government more than two millions of pounds sterling *per annum.*

In the same year, ending as above, Jamaica imported

In the whole.		*From the U. States.*
55,987 bbls. flour		46,543
15,451 bags	BREAD	15,451
4,483 bbls.	BREAD	3,999
2,301 kegs	BREAD	2,161
1,191 tierces rice		1,143
1,533 hhds.	FISH	1,493
10,227 bbls.	FISH	10,007
755 kegs	FISH	755
2,419 boxes	FISH	2,319
23 quintals	FISH	9
4,408 bbls. beef		4,195
6,938 do. pork		5,642
1,249 firkins butter		1,199
696 casks	CORN AND BEANS	606
28,132 bushels	CORN AND BEANS	28,132
6,510,999 feet timber		6,465,190
9,602,160 staves and heading		8,386,060
1,788,500 shingles		1,712,060

British Manufactures.

To such *manufactures* as are publicly and unblushingly offered for sale in the following advertisement, copied from the *London* Morning Chronicle, of June 12, 1812, *we* are indebted for a great part of the losses, privations and perplexities suffered on the European continent for many years past. We record the whole notice as a curious article—

"To ship brokers, custom-house agents, notaries public, merchants, &c.—Simulated papers and seals, capital counting-house fixtures, 20 very excellent and expensive charts and maps, &c.—By Mr. Sampson, at his warehouse, 16, Size lane, Bucklersbury, on Thursday next, at 11, by direction of the assignees.

The valuable fixtures and fittings up of the counting houses, 34 boxes containing *simulated ships' papers and seals for foreign countries,* various coloured inks foreign writing paper, &c. of Mr. Peter Vander, A. A. merchant, a bankrupt, (removed from his offices, No. 9, Water-lane, Tower-st.) comprising seven mahogany 1 flap and 2 flap counting house desks, book case, two capital library and writing tables, with drawers, stamping and sealing presses, a patent instantaneous light machine, an excellent mahogany portable writing desk with secret drawers, two patent polygraphs, several capital charts, amongst which are the Northern Sea, the Cattegat, the Azores, the Atlantic Ocean, the Baltic Pilot, West Indies, British Channel, coasts of England and Holland, Mediterranean, Europe, Asia, and America; Mercator's World; Laurie and Whittle's new map of the British isles, on spring rollers and boxes: Carey's universal Atlas; a new ledger, journal and waste books, five vols. of the beauties of England and Wales, and 95 numbers of do. six morocco leather cases, &c. To be viewed two days preceding the sale, at the broker's warehouses; catalogues may be had of Messrs. Sweet and Stokes, solicitors, Basinghall street, and of Mr. Sampson, 16, Size lane, Bucklersbury."

Tribute of Respect.

At a meeting of the young men of the borough of Harrisburg, friends and acquaintances of the late lieutenant Wm. S. BUSH, deceased, lieutenant *John Machesney* was called to the chair, and *G. W. Hollis*, appointed secretary; after which the following preamble and resolutions were unanimously adopted.

Whereas the government of the United States have been compelled, by the injustice of Great Britain, to assert at the cannon's mouth the rank she holds among the nations of the earth, has made a stand worthy of an independent people; and can proudly boast that thousands of her brave sons have volunteered in her service, and are willing to risk "their lives, their fortunes and their sacred honor" in her just defence.

Among the first of these was lieutenant *Wm. S. Bush*, of the United States marines, who was killed on the 20th ult. in the glorious contest between the United States frigate Constitution, captain Hull, and the British frigate Guerriere, captain Dacres. And, while we rejoice in the victory which his unfortunate destiny denied him to share, we deplore the loss of so brave an officer, whose virtues was only equalled by his valor and his patriotism. He fell an early victim in his country's cause, and sacrificed a life dear to all who knew him, in defence of injured America.

Therefore, as a testimony of the high estimation in which we held the departed hero, and as a tribute of respect to his memory,

Resolved, that the members of this meeting wear crape on the left arm during thirty days.

2. That the Rev. Mr. Gloninger be requested to deliver a discourse suited to this melancholy occasion; and that this meeting form a procession on to-morrow, and attend divine worship.

By order of the meeting,
JOHN MACHESNEY, *Ch'n.*

Attest—G. W. Hollis, *Sec'ry.*
Saturday, September 5th, 1812.

The Chronicle.

The city of New-Orleans and its vicinity was visited by a tremendous storm on the 19th and 20th ult. The shipping was generally destroyed or materially damaged. The U. S. ketch Ætna was sunk, and the brig Viper deprived of her main-mast and otherwise much wrecked. Houses, trees, fences and crops are prostrate—millions will hardly repair the damage. Many lives have been lost. Fort St. Philip was overwhelmed and the greater part of the soldiers drowned. In this condition it was taken possession of by the boats from a British vessel of war, said to be the Southampton frigate; but another account says that vessel has been wrecked by the gale. Volunteers were raising at New-Orleans to obtain re-possession of the fort. Judging from what we hear, a storm so terrible has rarely been felt. A more particular account of it may be inserted hereafter.

Allies in the war.—In the ship Minerva, Smith, arrived at New-York from Keil, there came passengers 15 German *glass-blowers*, for the purpose of establishing glass manufactures in the United States. In a little time, with patience and perseverance, we shall be truly independent.

A Herkimer N. Y. paper states that at the late court of Oyer and Terminer, a boy *eleven* years old was sentenced to death for the murder of a little girl four years old—the execution to take place on the 5th of December.

The money to be raised for the support of the British government for the year 1812, before the calculation of a war with America was made, amounted to £105,718,682 sterling (469,392,058 dollars!)—of which about 66 millions are by taxes, the balance by exchequer bills and loans!

Another of the Goldsmidts has committed suicide. The king's bodily health is good—but his mental derangement continues. He now conceives himself a a clergyman.

Letters from Halifax, (says a Boston paper) give us the assurance that no condemnation of captured American vessels is likely to take place there, until Sir John Borlase Warren's mission to the United States shall be made known.

From Mexico we continue to receive the most pleasant intelligence. The patriots were generally more successful—and, we trust, will completely succeed in shaking off all connection with Spain, who has always treated her colonists as slaves. A considerable body of Americans, it is stated, have crossed the Sabine, joined themselves to the patriots, and actually taken possession of Nacogdochez, without resistance, where they were joined by 250 of the natives, well armed and prepared for duty.——The governor of Louisiana interposed, without effect, to prevent the expedition. The city of Mexico is said to be besieged with 70,000 patriots, under General Rayan. Acapulco has been taken by them.

It is stated that the newly constructed French mortars freely discharge shells into the city of Cadiz, and that the people are in consequence rendered very uneasy.

We learn, very *direct* by way of London, that the United States, have been a prey to all the horrors of civil war, ever since the 10th of June!

The price of wheat in England is 20 shillings per bushel. Guineas 26 *a* 27*s*. Spanish dollars 5*s*. 6*d*. *a* 6*s*.

PHILADELPHIA, Sept. 15.

Extract from the log book of the French brig Diligent.

"On the 8th of September, at 4, P. M. the brig Diligent, carrying five six pounders, four carronades (two 18's and two 12's) two brass four pounders, with the compliment of 70 men, being then the distance of two leagues S. E. from the Delaware light-house, was brought to action by his Britannic majesty's brig of war Laura, of ten carronades. 18's and two long nine pounders, manned by 49 men. Upon her giving us a broadside, we began a brisk fire of musquetry upon her. We had nine men killed and ten wounded; and judging from the the enemy's superior metal that we had no chance of success except by boarding, this measure was immediately adopted, and easily executed, by the superior sailing of the Diligent, who, in order to avoid the effect of the enemy's artillery, was brought to the stern, and then under a well directed fire of musquetry, along the starboard sides of the Laura. Captain Hunter being now wounded, and their fire a little slack 25 or 30 of my brave crew jumped on board the enemy, and decided the victory. The Laura struck her colors in the name of his majesty the emperor of the French.

"The English captain on account of his wound, could not be removed on board of the Diligent. The papers being delivered, the enemy proved to be his Britannic majesty's brig of war Laura, under the command of captain Hunter, fitted out at Halifax on a cruize on the coast of the U. States. On board of the Laura one man was killed, and nine wounded.

"A number of Americans were found on board of the Laura, they informed my lieutenant, commanding the prize, that an American schooner, then at two miles from us, had in the morning been taken by the Laura—thereupon, I immediately ordered the damage done to be repaired, and afterwards went in chase of the said schooner which I was fortunate enough to retake. She proved to be the schooner Rising States, Simpson, master, actually captured in the morning by my new prize, on her way to New-York, whereto she was bound—I sent a crew on board of her and ordered her to proceed to the Delaware, where we arrived in the following night."

Captain Hunter of the British brig of war the Laura, landed on Sunday evening, and is now under the care of Dr. Physic; his wound is in the back of the neck by a ball; and does not appear to be dangerous.

☞ The friends and agents of the *Weekly Register* will confer an important obligation on the editor by transmitting, at all times, any numbers of this paper which by deaths, removals, or otherwise, may not be taken up by the persons to whom they are addressed.

Some gentlemen, regarding this work as a *mere* news-paper are impatient of the delays it meets on the road, by which its contents become stale, &c. If it were designed as a *news-paper*, only, we should not have thought of publishing it *weekly*, knowing that we must generally be anticipated in much of the contents of it by other papers more frequently issued. Its chief value is as a book of faithful reference; in which every important document and fact connected with the history of our country, may be found inserted, without mutilation or influence of party. Whatever may be the individual feelings of the editor, they are not permitted to sway the impartiality of his conduct in this respect; for which, he feels pleasure in saying, he has been highly complimented by many of the leading characters of the two great political parties in the United States. In a little while, it is expected, the quantity of matter will be greatly augmented by *supplements*; which it is designed frequently to issue as soon as ability is afforded to bear the expence of them.

Gentlemen feeling inclined to encourage the circulation of the *Register* may be furnished with subscription papers on application. For favors of this kind the editor will manifest his gratitude.—Subscription papers will, occasionally, be used as wrappers for the Register, and may be obtained at the post-offices to which it is sent.

THE WEEKLY REGISTER.

No. 5 of vol. III.] BALTIMORE, SATURDAY, October 3, 1812. [whole no. 57.

Hæc olim meminisse juvabit.—Virgil.

Printed and published by H. Niles, South-st. next door to the Merchants' Coffee House, at $ 5 *per annum.*

In Congress, July 8, 1778.

[To meet another of the conditions held forth in the prospectus of the Register, we commence the publication of the constitutions the United States, and the several states, by prefixing thereto the original articles of confederation. The different constitutions, or forms of government, shall regularly follow, being important for frequent reference. *Ed. Register.*]

ARTICLES OF CONFEDERATION AND PERPETUAL UNION,

Between the states of *New-Hampshire, Massachusetts-Bay, Rhode-Island, and Providence Plantations, Connecticut, New-York, New-Jersey, Pennsylvania, Delaware, Maryland, Virginia, North-Carolina, South-Carolina, and Georgia.*

Article I. The style of this confederacy shall be, "*United States of America.*"

Art. II. Each state retains its sovereignty, freedom and independence, and every power, jurisdiction, and right, which is not by this confederation expressly delegated to the United States, in congress assembled.

Art. III. The said states hereby severally enter into a firm league of friendship with each other, for their common defence, the security of their liberties, and their mutual and general welfare, binding themselves to assist each other against all force offered to, or attacks upon them, or any of them, on account of religion, sovereignty, trade, or any other pretence whatever.

Art. IV. § 1. The better to secure and perpetuate mutual friendship and intercourse among the people of the different states in this union, the free inhabitants of each of these states, paupers, vagabonds, and fugitives from justice excepted, shall be entitled to all the privileges and immunities of free citizens in the several states; and the people of each state shall have free ingress to and from any other state, and shall enjoy therein all the privileges of trade and commerce, subject to the same duties, impositions, and restrictions, as the inhabitants thereof respectively; provided that such restrictions shall not extend so far as to prevent the removal of property imported into any state to any other state of which the owner is an inhabitant; provided also that no imposition, duties, or restriction, shall be laid by any state on the property of the United States, or either of them.

§ 2. If any person guilty of or charged with treason, felony, or other high misdemeanor in any state, shall flee from justice, and be found in any of the United States, he shall, on demand of the governor or executive power of the state from which he fled, be delivered up and removed to the state having jurisdiction of his offence.

§ 3. Full faith and credit shall be given in each of these states, to the records, acts, and judicial proceedings of the courts and magistrates of every other state.

Art. V. § 1. For the more convenient management of the general interests of the United States, delegates shall be annually appointed in such manner as the legislature of each state shall direct, to meet in congress on the first Monday in November of every year, with a power reserved to each state to recall its delegates, or any of them, at any time within the year and to send others in their stead for the remainder of the year.

§ 2. No state shall be represented in congress by less than two, nor more than seven members; and no person shall be capable of being a delegate for more than three years, in any term of six years; nor shall any person, being a delegate be capable of holding any office under the United States, for which he, or any other for his benefit, receives any salary, fees, or emolument, of any kind.

§ 3. Each state shall maintain its own delegates in a meeting of the states, and while they act as members of the committee of the states.

§ 4 In determining questions in the United States in congress assembled, each state shall have one vote.

§ 5. Freedom of speech and debate in congress shall not be impeached or questioned in any court or place out of congress, and the members of congress shall be protected in their persons from arrests and imprisonments during the time of their going to and from, and attendance on congress, except for treason, felony, or breach of the peace.

Art, VI. § 1. No state, without the consent of the United States in congress assembled, shall send any embassy to, or receive any embassy from, or enter into any conference, agreement, alliance, or treaty, with any king, prince, or state; nor shall any person holding any office of profit or trust under the United States, or any of them, accept of any present, emolument, office, or title, of any kind whatever, from any king, prince, or foreign state; nor shall the United States in congress assembled, or any of them, grant any title of nobility.

§ 2. No two or more states shall enter into any treaty, confederation, or alliance whatever, between them, without the consent of the United States in congress assembled, specifying accurately the purposes for which the same is to be entered into, and how long it shall continue.

§ 3. No state shall lay any imposts or duties which may interfere with any stipulations in treaties, entered into by the United States in congress assembled, with any king, prince, or state, in pursuance of any treaties already proposed by congress to the courts of France and Spain.

§ 4. No vessel of war shall be kept up in time of peace by any state, except such number only as shall be deemed necessary by the United States in congress assembled for the defence of such state, or its trade: nor shall any body of forces be kept up in any state, in time of peace, except such number only as in the judgment of the United States in congress assembled shall be deemed requisite to garrison the forts necessary for the defence of such state; but every state shall always keep up a well regulated and disciplined militia, sufficiently armed and accoutred, and shall provide and constantly have ready for use, in public stores a due number of field-pieces and tents, and a proper quantity of arms, ammunition, and camp equipage.

§ 5. No state shall engage in any war without the consent of the United States in congress assembled, unless such state be actually invaded by enemies, or shall have received certain advice of a resolution being formed by some nation of Indians to invade such state, and the danger is so imminent as not to admit of delay till the United States in congress assembled can be consulted; nor shall any state grant commissions to vessels of war, nor letters of marque or reprisal, except it be after a declaration of war by the United States in congress assembled, and then only against the kingdom or state and the subjects thereof against which war has been so declared, and under such regulation as shall be established by the United States in congress assembled, unless such state be infested by pirates, in which case vessels of war may be fitted out for that occasion, and kept so long as the danger shall continue, or until the United States in congress assembled shall determine otherwise.

Art. VII. When land forces are raised by any state for the common defence, all officers of or under the rank of colonel shall be appointed by the legislature of each state respectively by whom such forces shall be raised, or in such manner as such state shall direct, and all vacancies shall be filled up by the state which first made the appointment.

Art. VIII. All charges of war, and all other expences that shall be incurred for the common defence or general welfare, and allowed by the United States in congress assembled, shall be defrayed out of a common treasury, which shall be supplied by the several states, in proportion to the value of all land within each state granted to or surveyed for any person, as such land and the buildings and improvements thereon shall be estimated, according to such mode as the United States in congress assembled shall, from time to time, direct and appoint. The taxes for paying that proportion shall be laid and levied by the authority and direction of the legislatures of the several states within the time agreed upon by the United States in congress assembled.

Art. IX. § 1. The United States in congress assembled shall have the sole and exclusive right and power of determining on peace and war, except in the cases mentioned in the sixth article; of sending and receiving ambassadors; entering into treaties and alliances, provided that no treaty of commerce shall be made, whereby the legislative power of the respective states shall be restrained from imposing such imposts and duties on foreigners, as their own people are subjected to, or from prohibiting the exportation or importation of any species of goods or commodities whatsoever; of establishing rules for deciding in all cases, what captures on land or water shall be legal, and in what manner prizes taken by land or naval forces in the service of the United States shall be divided or appropriated; of granting letters of marque and reprisal in times of peace; appointing courts for the trial of piracies and felonies committed on the high seas; and establishing courts for receiving and determining finally appeals in all cases of captures; provided that no member of congress shall be appointed a judge of the said courts.

§ 2. The United States in congress assembled shall also be the last resort on appeal in all disputes and differences now subsisting, or that hereafter may arise between two or more states concerning boundary, jurisdiction, or any other cause whatever; which authority shall always be exercised in the manner following: Whenever the legislative or executive authority or lawful agent of any state in controversy with another, shall present a petition to congress, stating the matter in question, and praying for a hearing, notice thereof shall be given by order of congress to the legislative or executive authority of the other state in controversy, and a day assigned for the appearance of the parties by their lawful agents, who shall then be directed to appoint by joint consent, commissioners or judges to constitute a court for hearing and determining the matter in question; but if they cannot agree, congress shall name three persons out of each of the United States, and from the list of such persons each party shall alternately strike out one, the petitioners beginning, until the number shall be reduced to thirteen; and from that number not less than seven nor more than nine names, as congress may direct, shall, in the presence of congress, be drawn out by lot; and the persons whose

names shall be so drawn, or any five of them, shall be commissioners or judges, to hear and finally determine the controversy, so always as that a major part of the judges who shall hear the cause shall agree in the determination: and if either party shall neglect to attend at the day appointed, without showing reasons which congress shall judge sufficient, or being present, shall refuse to strike, the congress shall proceed to nominate three persons out of each state, and the secretary of congress shall strike in behalf of such party absent or refusing; and the judgment and sentence of the court, to be appointed in the manner before prescribed, shall be final and conclusive; and if any of the parties shall refuse to submit to the authority of such court, or to appear or defend their claim or cause, the court shall nevertheless proceed to pronounce sentence, or judgment, which shall in like manner be final and decisive; the judgment or sentence and other proceedings being, either reassumed to congress, and lodged amongst the acts of congress, for the security of the parties concerned: provided, that every commissioner, before he sits in judgment, shall take an oath, to be administered by one of the judges of the supreme or superior court of the state where the cause shall be tried, "well and truly to hear and determine the matter in question, according to the best of his judgment, without favor, affection, or hope of reward;" provided also, that no state shall be deprived of territory for the benefit of the United States.

§ 3. All controversies concerning the private right of soil claimed under different grants of two or more states, whose jurisdictions, as they may respect such lands, and the states which passed such grants are adjusted, the said grants or either of them being at the same time claimed to have originated antecedent to such settlement of jurisdiction, shall on the petition of either party to the congress of the United States, be finally determined, as near as may be, in the same manner as is before prescribed for deciding disputes respecting territorial jurisdiction between different states.

§ 4. The United States in congress assembled shall also have the sole and exclusive right and power of regulating the alloy and value of coin struck by their own authority, or by that of the respective states; fixing the standard of weights and measures throughout the United States; regulating the trade and managing all affairs with the Indians, not members of any of the states; provided that the legislative right of any state within its own limits be not infringed or violated; establishing and regulating post offices from one state to another, throughout all the United States, and exacting such postage on the papers passing through the same, as may be requisite to defray the expenses of the said office; appointing all officers of the land forces in the service of the United States, excepting regimental officers; appointing all the officers of the naval forces, and commissioning all officers whatever in the service of the United States; making rules for the government and regulation of the said land and naval forces, and directing their operations.

§ 5. The United States in congress assembled shall have authority to appoint a committee, to sit in the recess of congress, to be denominated, *a committee of the states*, and to consist of one delegate from each state; and to appoint such other committees and civil officers as may be necessary for managing the general affairs of the United States under their direction; to appoint one of their number to preside; provided that no person be allowed to serve in the office of president more than one year in any term of three years; to ascertain the necessary sums of money to be raised for the service of the United States, and to appropriate and apply the same for defraying the public expenses; to borrow money or emit bills on the credit of the United States, transmitting every half year to the respective states, an account of the sums of money so borrowed or emitted; to build and equip a navy; to agree upon the number of land forces, and to make requisitions from each state for its quota, in proportion to the number of white inhabitants in such state, which requisition shall be binding; and thereupon the legislature of each state shall appoint the regimental officers, raise the men, clothe, arm, and equip them in a soldierlike manner, at the expense of the United States; and the officers and men so clothed, armed and equipped, shall march to the place appointed, and within the time agreed on by the United States in congress assembled: but if the United States in congress assembled shall, on consideration of circumstances, judge proper that any state should not raise men, or should raise a smaller number than its quota, and that any other state should raise a greater number of men than the quota thereof, such extra number shall be raised, officered, clothed, armed and equipped in the same manner as the quota of such state, unless the legislature of such state shall judge that such extra number cannot be safely spared out of the same, in which case they shall raise, officer, clothe, arm and equip, as many of such extra number as they judge can be safely spared; and the officers and men so clothed, armed and equipped, shall march to the place appointed, and within the time agreed on by the United States in congress assembled.

§ 6. The United States in congress assembled shall never engage in a war, nor grant letters of marque and reprisal in time of peace, nor enter into any treaties or alliances, nor coin money, nor regulate the value thereof, nor ascertain the sums and expenses necessary for the defence and welfare of the United States, or any of them, nor emit bills, nor borrow money on the credit of the United States, nor appropriate money, nor agree upon the number of vessels of war to be built or purchased, or the number of land or sea forces to be raised, nor appoint a commander in chief of the army or navy, unless nine states assent to the same: nor shall a question on any other point, except for adjourning them from day to day, be determined, unless by the votes of a majority of the United States in congress assembled.

§ 7. The congress of the United States shall have power to adjourn to any time within the year, and to any place within the United States, so that no period of adjournment be for a longer duration than the space of six months, and shall publish the journal of their proceedings monthly, except such parts thereof relating to treaties, alliances, or military operations, as in their judgment require secrecy; and the yeas and nays of the delegates of each state on any question shall be entered on the journal, when it is desired by any delegate; and the delegates of a state, or any of them, at his or their request shall be furnished with a transcript of the said journal except such parts as are above excepted, to lay before the legislature of the several states.

Art X. The committee of the states, or any nine of them, shall be authorised to execute, in the recess of congress, such of the powers of congress as the United States in congress assembled, by the consent of nine states, shall from time to time think expedient to vest them with; provided that no power be delegated to the said committee, for the exercise of which, by the articles of confederation, the voice of nine states, in the congress of the United States assembled is requisite.

Art. XI. Canada acceding to this confederation, and joining in the measures of the United States, shall be admitted into, and entitled to all the advantages of this union: But no other colony shall be admitted into the same, unless such admission be agreed to by nine states.

Art. XII. All bills of credit emitted, money borrowed, and debts contracted by, or under the authority of congress, before the assembling of the United States, in pursuance of the present confederation, shall be deemed and considered as a charge against the United States, for payment and satisfaction whereof the said United States, and the public faith are hereby solemnly pledged.

Art. XIII. Every state shall abide by the determination of the United States in congress assembled, in all questions which by this confederation are submitted to them. And the articles of this confederation shall be inviolably observed by every state, and the union shall be perpetual; nor shall any alteration at any time hereafter be made in any of them; unless such alteration be agreed on in a congress of the United States, and be afterwards confirmed by the legislatures of every state.

And whereas it hath pleased the great governor of the world to incline the hearts of the legislatures we respectively represent in congress, to approve of and to authorise us to ratify the said articles of confederation and perpetual union *know ye*, that we the undersigned delegates, by virtue of the power and authority to us given for that purpose, do, by these presents, in the name and behalf of our respective constituents, fully and entirely ratify and confirm each and every of the said articles of confederation and perpetual union, and all and singular the matters and things therein contained. And we do further solemnly plight and engage the faith of our respective constituents, that they shall abide by the determinations of the United States in congress assembled, in all questions which by the said confederation are submitted to them; and that the articles thereof shall be inviolably observed by the states we respectively represent, and that the union shall be perpetual. *In witness* whereof, we have hereunto set our hands in congress.

Done at Philadelphia, in the state of Pennsylvania, the 9th day of July, in the year of our Lord 1778, and in the third year of the independence of America.

New-Hampshire.	Jonathan Bayard Smith,
Josiah Bartlett,	William Clingan,
John Wentworth, jun.	Joseph Reed.
Massachusetts Bay.	*Delaware.*
John Hancock,	Thomas M'Kean,
Samuel Adams,	John Dickinson,
Elbridge Gerry,	Nicholas Vandyke.
Francis Dana,	*Maryland.*
James Lovell,	John Hanson,
Samuel Holten.	Daniel Carrol.
Rhode-Island, &c.	*Virginia.*
William Ellery,	Richard Henry Lee,
Henry Merchant,	John Banister,
John Collins.	Thomas Adams,
Connecticut.	John Harvey,
Roger Sherman,	Francis Lightfoot Lee.
Samuel Huntington,	*North-Carolina.*
Oliver Wolcott,	John Penn,
Titus Hosmer,	Cornelius Harnett,
Andrew Adams.	John Williams.
New-York.	*South-Carolina.*
James Duane,	Henry Laurens,
Francis Lewis,	William Henry Drayton,
William Duer,	John Matthews,
Gouverneur Morris.	Richard Hutson,
New-Jersey.	Thomas Heyward, jun.
John Witherspoon,	*Georgia.*
Nathaniel Scudder,	John Walton,
Pennsylvania.	Edward Telfaerro,
Robert Morris,	Edward Longworthy.
Daniel Roberdeau,	

The aforesaid articles of confederation were finally ratified on the first day of March, 1781; the state of Maryland having, by their members in congress, on that day acceded thereto and completed the same.

Law of the United States.

AN ACT

To prohibit American vessels from proceeding to or trading with the enemies of the United States and for other purposes.

Be it enacted by the senate and house of representatives of the United States of America, in congress assembled, That no ship or vessel owned in whole or in

part by a citizen or citizens of the United States, shall be permitted to clear out or depart from any port or place within the limits of the United States or territories thereof, to any foreign port or place, till the owner or owners, agent, factor, freighter, master or commander, shall have given bond, with sufficient security, in the amount of such ship or vessel and cargo, not to proceed to or trade with the enemies of the United States. And if any ship or vessel owned as aforesaid, shall depart from any port or place within the limits of the United States or territories thereof, for any foreign port or place without giving bond with security as aforesaid, such ship or vessel, and cargo, shall be forfeited to the use of the United States; and the owner or owners, freighter, factor, or agent, master or commander, shall severally forfeit and pay a sum equal to the value of such ship or vessel and cargo; and the said master or commanner, if privy thereto, and being thereof convicted, shall be liable to a fine not exceeding one thousand dollars, and imprisoned for a term not exceeding twelve months in the discretion of the court.

Sec. 2. *And be it further enacted*, That if any citizen or citizens of the United States, or person inhabiting the same, shall transport or attempt to transport, over land or otherwise, in any waggon, cart, sleigh, boat, or otherwise, naval or military stores, arms or munitions of war, or any article of provision, from any place of the United States, to any place in Upper or Lower Canada, Nova Scotia or New Brunswick, the waggon, cart, sleigh, or the thing by which the said naval or military stores, arms or munitions of war or articles of provision are transported or attempted to be transported, together with such naval or military stores, arms or munitions of war or provisions, shall be forfeited to the use of the United States, and the person or persons aiding or privy to the same shall severally forfeit and pay to the use of the United States a sum equal in value to the waggon, cart, sleigh, boat, or thing by which the said naval or military stores, arms, or munitions of war, or articles of provision are transported, or are attempted to be transported; and shall moreover be considered as guilty of a misdemeanor, and be liable to be fined in a sum not exceeding five hundred dollars, and imprisoned for a term not exceeding six months, in the discretion of the court: *Provided*, That nothing herein contained shall extend to any transportation for the use or on account of the United States, or the supply of its troops or armed force.

Sec. 3. *And be it further enacted*, That the collectors of the several ports of the United States be, and the same are hereby authorised to seize and stop naval and military stores, arms, or the munitions of war, or any article of provisions, and ship or vessel, waggon, cart, sleigh, boat or thing by which any article prohibited as aforesaid is shipped or transported, or attemped to be transported, contrary to the provisions of this act.

Sec. 4. *And be it further enacted*, That no ship or vessel belonging to any citizen or citizens subject or subjects of any state or kingdom in amity with the United States, except such as at the passage of this act shall belong to the citizen or citizens, subject or subjects of such state or kingdom, or which shall hereafter be built in the limits of a state or kingdom in amity with the United States, or purchased by a citizen or citizens, subject or subjects of a state or kingdom in amity with the United States as aforesaid, from a citizen or citizens of the United States, shall be admitted into any port or place of the United States, unless forced by a stress of weather, or for necessary repairs; and any ship or vessel, belonging to a citizen or citizens, subject or subjects of any state or kingdom in amity with the United States as aforesaid, except such ships and vessels as are above excepted, which shall from and after the first day of November next, enter, or attempt to enter, any port or place aforesaid, the same, with her cargo, shall be forfeited to the use of the United States.

Sec. 5. *And be it further enacted*, That any British packet or vessel with despatches destined for the United States, and which shall have departed from any port or place of the united kingdom of Great Britain and Ireland or its dependencies, on or before the first day of September next, shall not be liable to be captured or condemned, but the same shall be permitted to enter and depart from any port or place in the United States: *Provided*, That nothing herein contained shall be construed to affect any cartel, or vessel with flag of truce.

Sec. 6. *And be it further enacted*, That the president of the United States be, and he is hereby authorised to give at any time within six months after the passage of this act, passports for the safe transportation of any ship or other property belonging to British subjects, and which is now within the limits of the United States.

Sec. 7. *And be it further enacted*, That every person, being a citizen of the United States, or residing therein, who shall receive, accept or obtain a license from the government of Great Britain, or any officer thereof, for leave to carry any merchandize, or send any vessel into any port or place within the dominions of Great Britain, or to trade with any such port or place, shall on conviction for every such offence, forfeit a sum equal to twice the value of any such ship, merchandize, or articles of trade, and shall moreover be deemed guilty of a misdemeanor, and be liable to be imprisoned not exceeding twelve months, and be fined not exceeding one thousand dollars.

H. CLAY,
Speaker of the house of representatives.
WM. H. CRAWFORD,
President of the senate pro tempore.

July 6, 1812.

Approved,

JAMES MADISON.

Interesting Document.

To the House of Representatives of the United States.

I transmit to the house of representatives a report of the Secretary of State of this date, complying with their resolution of the 30th January last.

JAMES MADISON.

JULY 6, 1812.

The Secretary of State, in pursuance of a resolution of the house of representatives of the 30th January last, has the honor to report to the president of the United States, six several lists of the captures, seizures, and condemnations of the ships and merchandize of the citizens of the United States, under the authority of the governments in Europe, to wit:

No. 1. British captures prior to the Orders in council of Nov. 11, 1807.

No. 2. British captures subsequent to the date of the Orders in Council of Nov. 11, 1807.

No. 1. French captures, seizures and condemnations, prior to the Berlin and Milan decrees.

No. 2. French seizures, captures and condemnations during the existence of the decree of Berlin and Milan.

No. 3. French seizures, captures and condemnations since the revocation of the Berlin and Milan decrees.

No. 4. Captures, seizures and condemnations under the authority of the government of Naples. And in addition—

A statement of the Danish captures, condemnations, &c.

The documents from which these lists have been compiled, being of a miscellaneous nature, the detail is unavoidably imperfect. The sums stated as the amount of loss, are, in many cases doubtful.—The chief fact from which the CAUSE of capture can be inferred, is from the DATE of capture; which, on referring to the regulations, orders or decrees, existing at the time, may serve to elucidate that point of enquiry. The successive orders, decrees, &c. of the belligerent powers, as they have come to the knowledge of this department, up to the year 1808, may be found in a report made to congress by the Secretary of State, on the 21st December, of that year.—In that report, the belligerent edicts bearing upon neutral commerce, and corresponding with the list now sent, are as follows:

BRITISH.	FRENCH.
1803.—June 24. Direct trade between the neutrals and the colonies of enemies not to be interrupted unless upon the outward voyage contraband supplies shall have been furnished by the neutrals.	1803.
1804.—April 12.——— Instructions concerning blockades, communicated by Mr. Merry.	1804.
Conversion of the siege of Curracoa into a blockade. Aug. 9, blockade of Fescamp, &c.	
1805.—Aug. 17. Direct trade with enemies' colonies subject to restrictions.	1805.
1806.—April 8. Blockade of the Ems, Weser, &c.	1806.
May16.—Blockake from the Elbe to Brest.	
Septr. 25.—Discontinuance of the last blockade, in part.	Nov. 21.—Berlin decree.
1807.—March 12. Interdiction of the trade from port to port of France.	1807.—Dec. 17. Milan decree.
June 26.—Blockade of the Ems, &c.	
Oct. 16.—Proclamation recalling seamen.	
Nov. 11.—Three Orders in council.	
Nov. 25.—Six Orders in council.	
1808.—Jan. 8. Blockade of Carthagena, &c.	1808—April 17. Bayonne decree.
March 28. Act of Parliament.	
April 11—Orders encouraging our citizens to violate the embargo.	
April 14.—Act of Parliament to prohibit the exportation of cotton, wool, &c.	
Act of Parliament, making valid certain Orders in council.	
May 4.—Blockade of Copenhagen and of the island of Zealand.	
June 23.—Act of Parliament regulating trade between the U. States and G. Britain.	
Oct. 14.—Admiral Cochrane's blockade of the French Leeward Islands.	

To these may be added the British Orders in council of the 25th of April 1809, prohibiting altogether all trade with France and Holland, and the ports of Italy, comprehended under the denomination of the kingdom of Italy; the blockade of the ports of Spain from Gijon to the French territory, of the 20th of Feb. 1810, which was partially relaxed on the 14th of May, 1810; the blockade of Venice, instituted on the 27th of July 1806, and which was declared to be still in force on the 26th of March, 1810; the blockade of the canal of Corfu, of the 13th August, 1810, which, in effect, was an attempt to blockade the Adriatic sea; together with certain other regulations, principally touching the trade on the Baltic.

To the French edicts may be added, the decree of Rambouillet on the 23d of March 1810.

The seizures and condemnations under the authority of the government of Naples, were principally in consequence of a special decree of the sovereign of that state.

In making the lists, references have been had to the dates of the orders in council of Nov. 1807, and the French edicts of Berlin and Milan, chiefly because their promulgation formed a new epoch in the history of commercial spoliations. Under this division, these lists will exhibit the following results:

BRITISH.	VESSELS.
Captures, &c. prior to the orders in council of Nov. 1807, - - - - -	528
Captures, &c. subsequent to those orders, - - - - - - -	389
Total, - - -	917

FRENCH.	VESSELS.
Captures, &c. prior to the Berlin and Milan decrees, - - - - - -	206
Captures during the existence of those decrees, - - - - - -	307
Captures since the revocation of those decrees, - - - - - - -	46
Total, - - -	558

The number of captures made by the Neapolitans amounts to 47. The statement relative to Danish captures, will best explain itself.

With respect to the question proposed by the resolution in obedience to which this report is made, "How far the decrees, orders or regulations under which the captures have been made, or abandoned, or persevered in, by the nation making such captures?" it may be remarked that the Berlin and Milan decrees were revoked, as far as they affected the neutral commerce of the United States, according to an official declaration of the French government made at Paris on the 5th of August 1810, to the American minister then resident there; and that this revocation in the same latitude has since been corroborated by acts and declarations of the French government communicated to the minister of the U. States who now resides at Paris. The decrees of Bayonne and Rambouillet, as well as that of the sovereign of Naples, being *special*, ceased with the accomplishment of the particular object of their promulgation.

On the part of G. Britain, it is officially known to the secretary of state, that up to the period of declaring war against that power by congress, the or-

ders in council were rigidly enforced against American neutral trade: captures and condemnations were incessantly occurring; and with respect to any edict of a date anterior to those orders in council, it is impossible distinctly to specify whether it has been abandoned or not; for so late as the 25th of March 1810, the British secretary of state for foreign affairs officially refused to allow the American minister in London to *infer* that the blockade of May 1806, had become extinct by the operation of the orders in council. On the contrary, he expressly stated that the blockade was comprehended under the more extensive restrictions of a subsequent order: hence it may be inferred that the orders in council of November, 1807, and of April, 1809, which were a more general extension of unlawful principles previously acted upon in a limited degree, although comprehended, yet did not extinguish, particular blockades or orders antecedently proclaimed; thus leaving it uncertain whether in the event of the revocation of the orders in council themselves, any, or what obnoxious edicts would or would not be insisted on or relinquished.

In relation to Spain, the department of state is not in possession of information sufficient to authorise a report of the captures, &c. during the present war, by that power.

All which is respectfully submitted.

JAMES MONROE.

Department of State, July 6th, 1812.

"The American States."

Under this head the well known WILLIAM COBBETT frequently fills a few pages of his "*Weekly Political Register*," published in London. The following is from his paper of the 25th of July. It contains much matter of curious interest, and will command a general perusal.

American States.—A second American war seemed to be all that was wanting to complete the round of adventures in this jubilee reign; and this it seems we have now got. It was very hard to persuade people, that America would declare war. I begged of the regent not to listen to those who affected to laugh at American hostility. I told him, in so many words, that we should have war, unless we redressed the grievances that America complained of. Scarcely any body could be prevailed upon to believe this; but it is come true, it seems, after all. The anti-jacobins will not believe me; they despise my warnings; and they pay for it in the end. Not only the public, but the government, in England, wholly disbelieved that the Americans would go to war. The truth is, that there are so many newspapers in England, whose sole purpose is to deceive the public, that the wonder is, that any truth at all ever gains general belief. There has, however, been an extraordinary degree of obstinacy as to the real intention of America with regard to war. Nothing could induce people to believe that she would go to war. I asserted and proved, as I thought, that it was naturally to be expected that she would go to war, unless we did away the orders in council, and also the impressment of American seamen; but, scarcely a soul would believe. Perhaps, it may be good for the cause of freedom that I was not believed! But, let us now quit the past and look a little to the future. What will take place now? The letter, or pretended letter, from Liverpool, under the date of the 18th instant, would make this cheated nation believe, that, the moment the news arrives of the repeal of the orders in council, *the quarrel with America will be at an end.* It will be best, however, to let the letter speak for itself;—"I have to advise you, that a pilot-boat is arrived here to-day from New-York, which she left on the 23d ult. bringing an account that the senate, after deliberating seven days, had come to the resolution of declaring war against Great Britain, 19 to 13. An express had arrived at N. York to major Bloomfield,* which he read at the head of his army, formally announcing that the United States had declared war against Great Britain. I think it proper to add, however, that the houses in New-York which dispatched the pilot with this information, for the purpose of making speculations in produce, expressly ordered that, should the orders in council be revoked, their friends here were on no account to make any purchases for them. This is a *convincing proof* that this declaration of war will be *short-lived*, and on the arrival of the Gazette, containing the revocation of the orders in council, all matters in dispute between the two countries will be amicably settled. The Mackarel schooner had been dispatched from New-York by Mr. Foster, direct to Falmouth, the day before the pilot-boat sailed. When the senate came to the resolution of declaring war, *the account of Mr. Percival's death had not reached Washington*, but was known at New-York." Thus a new falsehood is to be set on foot. We are now to believe that the declaration of war is *to have no effect.* Till now it has been asserted, distinctly asserted, that the senate had *rejected* the proposition for war. This, as the reader well knows, has been stated most distinctly, with all the circumstances attending the fact. It was not only asserted, that the senate had rejected the proposition, but the number of the majority against the motion was given to this deceived, this cheated, this insulted nation. In the Courier newspaper of the 17th instant, was published the following paragraph:—"We stop the press to state, that we have just learned, that on a motion made in the house of representatives for declaring war against Great Britain, the question was carried by a large majority; but on being brought up to the senate, it was REJECTED by *a majority of two.*" This was published on the 17th of July, and on the 20th the above letter from Liverpool. Now, upon what *authority* was the above statement made? Clearly upon no authority at all. It was a falsehood; a falsehood intended to deceive the people of England; a falsehood intended to cheat them; a falsehood intended to answer most base and yet most foolish purposes; for, on the 20th, out comes the truth by sheer force. I have heard a gentleman say, that he verily believed, that, if the French were at Dover, half a million strong, these same newspapers would represent Napoleon as at the last gasp. I hardly believe that; for, by the time he was safely landed, they would be considering of the means of going over to his side, and would, in their own minds, be settling as to their price. But, short of a crisis like that, there is nothing that will induce them to desist from persevering in falsehood to *the very moment of detection.* To the very moment! They know well, that a few weeks, days, or hours, must expose their falsehoods to the public; but, they know also, that, for those weeks, days, or hours, the falsehoods answer their purpose. And, when one falsehood is worn out, they have another. Thus it is, that this nation is deceived; it is thus that it is more deceived than any other nation upon earth; and that, at last, when a calamity comes upon it, it seems to be thunderstruck at what all the rest of the world clearly foresaw. It is thus, too, more than by any other means, that the

* Brigadier general Bloomfield. ED.

country has been brought into its present humbled and distressed state. The people have always been believing pretty nearly the contrary of the truth while the event was coming. The result has, in almost every case, been precisely the opposite of what was expected; and the world have thought the people of England mad for their silly expectations; but, if the world knew the means that are used to make the people of England believe falsehoods instead of truth; if the world knew, that the people of England, *during the progress* of any expedition or other warlike undertaking, for instance, hear nothing but falsehoods respecting it, the world would not be surprised at the disappointment of the people of England at the result. These observations apply with peculiar force to the dispute with America, who has been represented to the people of England as being, even *now*, wholly incapable of going to war, and whose government has been represented as acting contrary to the sense of the people in all its acts of resistance against England. Now, however, we are at war, if the above news be true; and even now new falsehoods are attempted to be palmed upon us. But does the reader not perceive, that if America has *declared war*, she is *at* war? And that if she is at *war*, there must be a *treaty* before there can be a *peace?* To make a treaty of peace will require some months, at any rate; and does the reader suppose that the Americans, after the expence of arming has been encountered, will disarm till she has obtained satisfaction upon *all* the points at issue? The acts of aggression (as she considers them) on our part are many; and does the reader suppose that the mere news of the repeal of the orders in council will satisfy her? Besides, if there were no subject of disagreement but that of the orders in council, does not the reader perceive that the repeal has not been *full*, and *complete*, and *unqualified;* and that if it were so, America cannot be expected to disarm without some sort of compensation! What! is our government to commit upon the Americans whatever acts of aggression it pleases; and, after that, when America arms and declares war, are we to suppose that, to effect an instant peace, we have nothing to do but to *put a stop* to our aggressions? I do not take upon me to assert that they are *aggressions;* but supposing them to be such, as I really *think* they are, does the reader suppose that our government possesses a license to commit acts of aggression, and to put forward its mere *cessation* of them as a ground for peace with the offended party? This is not the way with our government, either abroad or at home.

It is always talking of "*indemnity for the past and security for the future;*" and why are we to suppose that the American government will not talk in the same way? If a man offend our government, does it say, "cease to offend us, and there is an end of the matter?" No! this is not the language it is now making use of to the people in the Luddite counties. It punishes them when it can catch them; and shall it lay down as a maxim, that it is never to be made responsible for what it does? The reader may be assured that the Americans do not consider it as exempted from the usual laws and principles by which nations regulate their conduct towards each other; and he may be further assured that the inquiries relative to the state of our manufacturers, will not, when read in America, tend to lower her tone. She is now armed; she has got over her great reluctance to enlist soldiers and to fit out armed vessels; and she will, in my opinion never lay down her arms, that is to say, she will never make peace with us, until we agree to make her ample compensation for her losses and injuries under the orders in council, and also agree to desist from impressing any persons on board her ships at sea. Are we prepared for this? Are the associates of Percival ready to give up these points? Are they ready to pay for what has been captured under regulations which the Americans regard as a violation of their rights: and are they ready to make it a crime in any English officer to seize seamen on board American ships at sea? If they are, we shall certainly soon be at peace with America; if they are not, my opinion is, that we shall have war with her till these points are given up. The close of the pretended letter from Liverpool is curious. It observes that, "when the senate came to the resolution of declaring war, *the account of Mr. Perceval's death had not reached Washington.*" As much as to say, that if the news of his death *had* reached Washington, war might *not* have been declared!—And this is the way in which the *friends* of the little dead lawyer speak of him, is it? They leave us clearly to infer, that the news of his death might have *prevented a war with America!* And yet have these same writers the impudence to call the people of Nottingham, and other places, *monsters*, because they expressed their joy upon receiving that same news! In conclusion, I beg the reader to bear in mind, that I have been nearly two years endeavoring to prevent a war with America; that very soon after I was sentenced to be imprisoned two years in Newgate and to pay a thousand pounds to the king, for writing about the flogging of English local militia men at the town of Ely, and about the employing of German troops upon that occasion; I beg the reader to bear in mind, that very soon after the imprisonment commenced, I began my most earnest endeavors to prevent this war, the most fatal I fear of all the many wars in which we have been engaged since the present king mounted the throne. I was enabled to tell exactly what would come to pass, unless we redressed the grievances of America without delay. I had letters from America, written by persons of a little more understanding than appears to be possessed by those from whom our lawyers get their information. I did not know to what extent the merchants of America, might submit, to have their property seized; but I was well assured that the American people would no longer suffer their seamen to be impressed upon the open sea. This I was positively told nearly two years ago; and I am now particularly anxious to impress it upon the minds of the ministers; for they may be ASSURED, that the American government, if it has actually declared war, will never make peace till that point is settled to the satisfaction of the American people; till, in short, we agree to desist wholly from taking any person whatever out of an American ship *at sea*. I am aware how stinging it will be to *some persons* in England to yield one jot to America. I am aware how much more they hate her government than they hate that of France. I am aware how glad they would be to hear of the United States being swallowed up by an earthquake. Not so, however, *the people* of England generally, who do not grudge any thing that is yielded to America so much as they do what is yielded to other powers. They do not, besides, see very clearly the *advantages* they are to derive from the *keeping down of the Americans by the means of the English navy.* They do not see the benefit that is likely to accrue to them from any thing, the tendency of which is to press upon a free people in another country.—Nothing, I am convinced, will ever make an American war popular in England.

WILLIAM COBBETT.

Botley, July 23d, 1812.

British Commerce.

The following interesting tables are extracted from a late work, published in London, by J. J. Oddy.

An account of all imports into Great Britain, the produce of the West-India colonial possessions, for three years; to which is added, the first cost and charges of the East-India trade in the same years, to shew the aggregate amount of the East and West India trade, and its importance to the country.

	1801.	1802.	1803.
	£.	£.	£.
British West-India colonies, including Trinidad	6,759,617	7,293,316	5786432
Conquered islands, exclusive of Trinidad	4,105,339	2,699,504	362014
Total	10,865,456	9,992,820	6148446
East-Indies, first cost . . .	6,199,293	5,902,713	4755475
Total amount of imports from the East and West-Indies	17,064,749	14,995,533	10903921

An account of all West-India produce imported into Great Britain, from the 5th January, 1803, to the 5th January, 1804.

	Quantity.		Official or rated value.			Duty received within the year.		
			£.	s.	d.	£.	s.	d.
Aloes . . .	lbs.	23974	348	3	3	751	5	6
Arrow Root .	—	33651	4219	7	0	148	4	3
Cocoa . .	cwt.	4685	11608	7	10	1730	8	8
Coffee . .	—	210075	1431851	11	0	46359	14	5
Ginger, dry .	—	2554	3192	16	11	2016	12	3
preserved	lbs.	12434	520	9	3	450	8	4
Gum Guiacum	—	6464	969	12	0	224	3	11
Juice of limes	gallons	26137	1749	8	7	600	17	0
Marmalade .	lbs.	6076	455	14	9	144	13	9
Molasses . .	cwt.	2607	1694	12	9	860	0	11
Oil, Castor .	lb. & gal.	490808&895	5284	1	0	1352	16	11
Pepper, Cayenne	lbs.	2393	287	6	4	158	16	4
Pimento . .	—	1166314	29467	10	0	18324	5	6
Shruff . . .	cwt.	354	973	13	5	315	7	9
Spirits, rum .	gallons	4048258	370182	3	7	131968	3	1
shrub	—	2752	537	5	9	176	0	2
Succads . .	lbs.	21385	1469	19	0	1012	14	10
Sugar . . .	cwt.	3087819	4221110	7	6	3078255	6	5
Tamarinds .	lbs.	116557	770	0	10	1225	19	6
Tortoiseshell	—	14883	3361	17	0	1343	10	4
Turmeric .	—	17188	188	7	8	186	16	3
Wood, Brazilletto	tons	25	171	1	3	15	13	2
Fustic .	—	2613	22962	17	1	2031	7	10
Lignumvitæ	—	760	3426	17	6	620	16	0
Logwood	—	12703	146566	17	6	3467	2	2
Mahogany, Br. pl.	—	4053	41631	15	2	15904	19	10
Nicaragua	—	714	7059	16	1	576	16	7
Wool, cotton, Br. pl.	lbs.	7266490	273539	19	5	35504	9	0
	Total . .		6585597	19	5	3345670	16	0

The official or rated value of British manufactures and produce exported to the British plantations in the West Indies, from the 5th of January, 1804, to the 5th January, 1805, was £.3408232 2*s.* 8*d.* sterling; to which is yet to be added the amount exported to the conquered islands.

Case of the Brig Tulip.

FROM THE AMERICAN DAILY ADVERTISER.

DECREE.

United States, for the use of the owner, officers and crew of the privateer schooner ATLAS, *Moffat*, commander.
vs.
Brig TULIP and cargo, *Funk*, master.

PRIZE COURT.
Admiralty side of the DISTRICT COURT of the United States, in and for the PENNSYLVANIA District.

This is a case of an American vessel, clearly documented as such, belonging to *William Shaw*, a naturalized citizen of New-York. The property in the vessel is not disputed; nor does there appear any objection to the title of *William Shaw*, to the brig captured. She was taken, as prize, by the ATLAS, *Moffat*, duly commissioned as a privateer, on the 15th of July last, in her course from *New-York* for *Lisbon*.

It appears that great part of her lading was taken on board previous to the declaration of war. It was completed after the declaration of war was known, and generally promulgated. Her destination was *originally*, and, for ought that appears, *decidedly*, to the contrary, *ultimately*, for *Lisbon*. Her cargo, consisting of Indian corn, meal, beans, beeswax, pork and staves, was evidently calculated for the Lisbon market. After the war was declared, a contract was entered into between the owner, William Shaw, and the late British minister, Mr. *Foster*, in the following words:

"NEW-YORK, 9th July, 1812.

"SIRS—In consequence of the declaration of war, by the United States of America, against Great Britain, *it becomes indispensably necessary for me to forward dispatches to his majesty's secretaries of state;* and as no ordinary conveyance can be procured, I have been under the *unpleasant necessity of entering into an agreement with the owner of the brig Tulip, James Funk, master*, bound from hence to Lisbon, that, *in consideration of his landing*—CLELAND, *the bearer of my dispatches*, IN ENGLAND, in his route to Lisbon, I would furnish him with a letter requesting and *enjoining* you, gentlemen, to permit the said brig to proceed to Lisbon, with her cargo, and to return to this port in ballast, without capture, or other interruption. I therefore, beg you will be pleased to comply with my request. The Tulip was laden and ready for sea, at the time of my entering into the contract, *and she has been detained several days by me.* I have the honor to be, sirs, your most obedient humble servant,

"AUG. J. FOSTER.

"To the officers commanding
his majesty's ships of war, and
private armed vessels, &c.
&c. &c."

I extracted from an authentic copy of a dispatch, (the original having been sent by me to the secretary of state, and the copy by him transmitted to the attorney of the district) the following sentence; being the only part relating to the cause. I certified—that it was a public dispatch, giving important information to the British government, of a political and military nature, relating to force, preparation, and warlike operations. The dispatch was directed "To the Right Honorable Lord Castlereagh."

"MY LORD—*On condition* of my granting a letter of recommendation to a merchant vessel, bound to Lisbon, the *owner of the vessel*, has agreed *to land a messenger for me*, IN AN ENGLISH PORT."

The PASSPORT appears to me, to have all the substantial ingredients of a LICENCE, to which all British cruizers were bound to pay the like respect (its terms and consideration being either in progress to be fulfilled; or actually complied with) to which a LICENCE immediately from the British government, would have been entitled.* Although Mr. FOSTER was not, at the time, in a capacity to perform his official functions, as they related to the United States; yet, his acts, as they regarded his own government, and the officers of its navy, were binding; and, as to them, *official*. He was the minister of that government returning from an embassy. His powers had, indeed, ceased, as to the government to which he had been sent; yet they were not extinguished by that of his own country, as regarded its interests and concerns.—However valid the contract stated, and his passport were, as connected with his own govern-

* 1. Black. Com. 259 Note. Donat. v. Insurance Company. N. A. 4 Dallas. 463.

ment, they were, as to us, illegal and highly unjustifiable.—The passport was accepted, by the owner of the brig, after the passing of the act, entitled "*An act to prohibit American vessels from proceeding to, or trading with the enemies of the United States, and for other purposes;*" passed the 6th July last.—The law could not have been known to the collector of New-York on the 8th; when he cleared out the vessel and cargo for *Lisbon*. She did not leave the Hook till the 12th. But whether it was or was not known on board of the *Tulip*, before her departure from the Hook, does not appear. Some dispatches and letters sent on board by Mr. Foster, to the care of *James Cleland*, the messenger, (a Trinity House Pilot, on his return home, from New-York) directed for *Lisbon*, he was desired to deliver to the *captain of the Tulip;* though other letters sent under his charge, at the same time, were directed to be put in the *post office in England.*

Only the papers necessary to prove American character in the vessel, were shewn to the captors, in the first instance. No papers or proofs, ascertaining the cargo to be American property, were then, or at any time since, shewn to the captors, or exhibited to this court. The supercargo, *Braine*, swears, that he had *verbal orders* for selling the vessel and cargo, at *Lisbon*, for account of *Shaw, of New-York;* to whom, as he understood and believes, both belong. The master, *Funk*, swears, that he signed *bill* or *bills* of lading "to *order;*" and also declares his understanding and belief, that the property, in both vessel and cargo, belongs to *William Shaw* of New-York. As to the suspicion that this ownership was one *in transitu*, (induced by the circumstance of the bills of lading being "*to order*") there does not appear any other foundation for it; unless it can be laid in the papers herein after stated. No bill of lading, except the one hereafter mentioned, was found among the papers delivered into this court by the captors. But an affidavit of the captain, *Funk*, was offered, to prove, that one had been delivered by *the captain* of the Tulip, to the lieutenant of the Atlas. The court did not think this regular, in the stage of the cause in which it was offered; nor was it clear of the objection to it, of being sworn to by a witness who had been examined on the standing interrogatories; before an order for further proof. A *ruse de guerre* was practised by the captain of the Atlas, which was then and had been, under British colors, and called the privateer *Pitt of Bermudas*. He said "the Tulip was a good prize; and he should send her into *Halifax*." At this stage of the business, the passport from Mr. Foster was produced by the supercargo; together with the following document.

An *Envelope* (for there was no epistolary communication) was delivered with the passport, and not before superscribed "To Messrs. Shaw and Carrol, merchants, Dublin;" and containing an invoice and bill of lading of the cargo, both dated the 17th of June, 1812. The invoice is without marks or numbers; it amounts in value to $ 11,839 6 cents; it includes an item for commissions at 5 per cent. making $ 591 and 95 cents; and it is headed "invoice of merchandise shipped on board the brig Tulip, James Funk, master, for Lisbon, per order, and for account and risque of Messrs. Shaw and Carrol, merchants, *Dublin*."—The bill of lading is signed by James Funk; it states the cargo to be shipped by *William Shaw;* it declares the cargo to be deliverable to the order of the shipper, upon payment of 4000 dollars freight; and an endorsement from *William Shaw*, directs the captain to "deliver the within contents to the order of Messrs. Shaw and Carrol, of *Dublin*." This document with its enclosures—the character of Cleland as a messenger—and the dispatches entrusted to him by Mr Foster—were all concealed, in the first instance, from the knowledge of the captor. Even at the time of the examination of the witnesses in *preparatorio*, it appeared, that six or seven letters directed for *Lisbon*, had also been concealed during the chase. They were never delivered up, nor mentioned, until such examination; when we find, unaccountably, that those letters do not relate to the Tulip, or her cargo; and that neither in them nor any other paper on board, (though the *ship* as well as the cargo, were to be sold by him) is the *supercargo*, who was going a perfect stranger to Lisbon, introduced, recommended, or named!

The messenger and despatches were captured on board the Tulip. But the supercargo and the captain do not precisely agree, as to the plan originally contemplated for disposing of them. It must however, be inferred, from what both have said, that, even if the Tulip was forbidden, by her owner, to enter, or touch at, any English port, for the purpose of landing the messenger with the despatches, she was to put them on board of any vessel proceeding to *England*, which she might casually meet; and if, in her direct course for *Lisbon* she did not meet with a vessel proceeding for *England*, she was to sail to the *lands end* (many degrees of latitude and longitude out of her direct course) and lie off and on there until she found a vessel going into port.

The envelope directed to Shaw and Carrol of Dublin, contained, most assuredly, the only papers exhibited in relation to the cargo. It is alleged, by the claimant, that those papers were to be produced only in case the vessel should be carried into a *British port*. If the Envelope and its contents, had been at their date (before the cargo, let it be noted, was all shipped) calculated as a mere cover; it was an unnecessary measure after the passport; which would supercede all necessity for producing these papers in a *British port*. American papers were, *then*, the only documents the cargo required; if it were *bona fide* American property.

I take no notice of the contents of a paper said to be signed by the *captain of the Tulip*, *Cleland*, and *Braine*, after the capture. It cannot have the authority of a paper found on board at the time of capture; it is not proved on oath to have been signed; nor could it have been competent to prove the facts therein stated. It is contradicted in its principal allegation, by the oaths of *Braine* and *Funk;* and could only be used to discredit their testimony.

Some animadversion has been made, by the advocate for the captors, on a short letter from Mr *Sampayo* at New York, directed to Mr. *Sampayo* at *Lisbon*, found on board the *Tulip*. There is no intrinsic evidence in this letter, that it relates to that vessel or her cargo. The external circumstances alleged to be grounds of suspicion, are not proved, or judicially known to the court.

The claim of William Shaw, and an affidavit annexed—state, that he is a naturalized American citizen, resident in *New York*, as a merchant since 1795. That the lading of the brig (whereof he is the sole owner, as well as of the cargo) commenced on the 10th of June, and she was destined for *Lisbon*, and no other port, and he had not since changed her destination, or that of her cargo. The supercargo had express orders to proceed to *Lisbon;* and not to touch, on any account, at any port, or place, in *Great Britain or Ireland*. That, for the purpose of protecting the vessel and cargo from British capture, and for no other purpose, on her voyage to *Lisbon*, he received, from *H. Barclay*, son of the British consul, "*a letter* from Augustus J. Foster, lately the minister plenipotentiary of *Great Britain* near the United States; intended as a protection from *British* cap-

ture; and agreed to take on board one or two passengers; and *to land him or them in England;* provided the deponent's vessel, either in the course of the voyage, or off the lands end, whither she was to go in case of necessity, should find a vessel bound in to *England.*" If no opportunity (a vessel going in) occurred off *the lands end*, the *Tulip* was to proceed directly for *Lisbon;* with the passenger or passengers. He states that his so proceeding to *Lisbon*, had it been necessary, was not *objected* to, by Mr. *Barclay*, the *British consul*, on condition of his "forwarding the said passenger or passengers from thence to England, at his own expence." He states, that the letter to *Shaw and Carrell*, and the endorsed bill of lading, were intended to enable them to protect the property if carried into a *British port.* "But the said deponent, at the same time, instructed the said supercargo, not to shew either the said letter, or *bill of lading*, until the said brig and cargo should be actually captured, and *carried in by a British vessel.*" That he was ignorant that the *Tulip* had on board any letters for *England* or *Ireland*, (other than those enumerated) "*except such as the said Augustus J. Foster should deliver to the said passenger, or passengers, at New-York.*" He declares his ignorance of any letters *being put on board for Lisbon*; and if *any were put on board, even by Mr. Foster, they were so without his consent or privity.* He repeats that the sole destination was for *Lisbon;* where the supercargo was instructed *to sell both vessel and cargo;* and to invest the proceeds in bills of exchange, for the deponent's account. That *he ensured the brig and cargo for the Lisbon voyage alone.* That neither the British government, nor any subject of that government, or any person inhabiting within the territories thereof, nor their factors, nor agents, had, or now have, any right or interest in the brig, or her cargo.

A great number of letters for *England*, were found on board the *Tulip*, after her capture; but they did not relate to her, or her cargo.

The passport contains, in itself, ample evidence of the most essential fact, on which I shall found my opinion. This document is sufficient in my view of the subject, without travelling into the contents of the despatches themselves, whether innocent or noxious.—Much less is it necessary minutely to attend to the speculations of the claimant's advocates; who, without having seen them, claim the right of contradicting (as decorously as such a circumstance will, with any tolerable appearance admit) my statement. Thus calculating, ineffectually here, to induce the spreading the despatches on the minutes; or excluding them entirely from the notice of the court. These speculations extend to the groundless, and, considering the character of the minister, and the circumstance of the case, highly improbable supposition,—that the packet might contain nothing inimical or noxious. Probably, as is surmised, mere blank paper! to give a *colour* to a collusion between the claimant and minister, for *covering* this cargo. Not a very favorable aspect in which to place either the minister or their client! or even the ownership of the cargo. But it should not be so exacerbated by the rage of war, as to presume the minister capable of such conduct; especially in an object so small; if I did not possess the means of proving to the contrary.*

The minister declares in his passport;—"*it becomes indispensably necessary*" (and necessity is too often state morality) "*to forward despatches to his majesty's secretaries of state.*" Can any reasonable mind seriously presume, that these despatches were not, *to them* important; and, of course, *to us*, hostile and noxious? Is it within the compass of the most ardent credulity, (I say not credibility,) to believe, that the minister's envelope enclosed entirely innocent matter? or,—what is more fanciful,—blank paper? and *that* in charge of a messenger! Would a public minister prostitute his own, and the official characters of "*his majesties secretaries of state,*" for the petty and sole purpose of *covering* or *protecting*, a cargo,—trifling indeed, to induce the sacrifice;—And *that*, when the same object, for an innocent voyage to Lisbon, could have been effected, without such dangerous and unlawful pretexts?

I shall not extensively indulge myself in controversy about the legality (common law legality applied in a prize court!) or the "novelty" of the mode I took, from necessity, to certify an extract of part of the contents of a despatch; and to announce the import of the subjects of it. I am not myself prepared, *confidently* to declare, what mode is the most proper, *one* of the advocates, who is greatly dissatisfied with my mode will suggest, or tolerate no other. He will have no middle course. The whole must be developed, or totally excluded. *Another* would submit *to the judgment and certificate of the secretary of state*, both as to state policy, and noxious character: but inhibits *the judge*,—although the law expressly assigns to him the receipt of, and power over the papers,—from all discretion, or instrumentality, in this part of the case. Now (however mistaken I may have been as to *my* mode of placing the facts among the exhibits,) it would seem to me, that, in some way or other, *the judge who is to determine the cause*, should have an opportunity of seeing and deciding whether or not, any, or what part of the despatches were indispensably necessary to the justice of the case; and (maugre this interdiction of the learned advocate,) and throwing myself out of the question, *he* seems to be exactly the character, who *ought to be* best qualified to form a just opinion on the subject; either of relevancy or necessity of development. No doubt, should the secretary of state, hereafter, certify, in the manner this worthy advocate would approve, we should hear, from some other, a variety of objections, which it does not become *me* to mention, or surmise. It has, too frequently, fallen to my lot through a period of more than twenty years past, to take the first step on to us, new, and often embarrassing points. It is not my habit to be overweeningly attached to my own modes or opinions. But *it is* my habit to decide, and to act as it appears to me right at the time; and *that* as promptly as the case demands; leaving the dissatisfied party to his remedy in a superior tribunal. There is a protest to the extract from the despatch, and my certificate of its import. This was much desired by me, and I am gratified in the hope, that a superior tribunal will give explicit instructions in what manner I shall hereafter proceed, if similar circumstances (not likely to be frequent) should again occur. Whether this mode or any other, be settled by those to whom I look for correction of my errors, is to me immaterial. Common law principles, and rules of evidence cannot be applied in a *prize court.* Its proceedings are totally different from those of any other court. Proofs and evidence are from necessity and the nature and exigencies of cases here permitted; which would be at once rejected, not only in courts of common law, but on the *instance* side of this, or any other admiralty court.

It is only on account of the novelty of this part of the cause, in this country, and by no means induced by any thing relating to myself, that I add to the foregoing observations. My leading object is, to obtain a direction for future government under such circumstances.

*See. 6 Rob. Am. Ed. 465.

I abstracted, from the mass of papers delivered to me, the despatches of Mr. Foster, and sent them, with the seal of the envelope unbroken, through the law officer of the district (the usual organ of communication with the executive) to the secretary of State. This I did, under my own view of its propriety. and without adverting, at the time, to the constant practice in other nations. In England and France, it is always customary. Those nations, unhappily for themselves and all the world, are the best acquainted with the horrible trade of warfare; having been, through ages, with short intermissions, engaged in it. Finally their bitter and endless collisions have involved *us;* and we have, in our new situation, much to learn. *Both* have alternated friendship, and *enmity*, with us, at different periods of our national existence. But I do not on the latter account, disregard *all* their established practice, in prize proceeding. *Fas est et ab Hoste doceri.* In both England and France, communications are, and have been through a long course of time, made by their executives, or their ministers, to prize judicatories; as well of the fact of captured despatches (always sent to some executive department) as of their tendency and import. Our act of congress directs, that *all papers*, found on board a prize, shall be delivered, on oath, *to the district judge;* as with him, and in the court in which he sits, all proceedings must originate. But the despatches, *in extenso*, are never, in any country, developed in prize courts. How this is to be regulated in our courts,—let the superior courts, or the legislature, direct. The secretary of state transmitted to the attorney of the district, not as proctor in this cause, but in his capacity of law officer of the district, an authenticated copy of the despatch from which I made the extract, and certified its import. It was accompanied by a request, that it might not be made public; unless I should be of opinion, that the justice of the case so indispensably demanded its publicity, as to overballance the policy and interests of the government and nation. I was not of that opinion. But placed among the exhibits, the extract objected to; being the only part in any wise directly relating to the cause. I would not require the whole to be spread on the record; not only because I did not deem it essentially necessary but because I would not establish a precedent, which if followed, might in some future case, (however it might be in this) involve and injure the interests of the nation; to which those of individuals must ever give way. The *judiciary* of this country being a *co-ordinate* branch of the government, is peculiarly bound to be attentive to the safety of the nation, on such points; and more especially in courts whose jurisdiction rises out of, and is employed exclusively in the incidents of war. If the superior court should deem the despatch, or the copy of it, essential in the cause, it is ready to be produced. As to the argument of the claimant's advocates, that *they* should have the opportunity of discussing its contents, shewing its innocence, and refuting the imputation of noxious character;—I feel warranted in saying,—that great national objects must prevail, over such minor considerations. Nor do I conceive the despatch (which, however, cannot but be believed to be calculated to serve the interests of the British government and not ours) of so much importance in this cause, as the example would be mischievous, on some future occasion. Our own citizens may easily escape any difficulties on this account; by avoiding all instrumentality in such business. Let it be remembered, too, that the noxious quality of the despatch is only an aggravation of the offence; whereof the *placing the vessel*, for any unlawful purpose, *in the service of the enemy*, is the gist and substance.—True it is, as has been observed by the advocates for the claimant, that intelligence may be conveyed through a multitude of ordinary channels. But *that* going directly from our plans suggested by a public functionary, especially if attended with the solemnity of a messenger, could not fail to be, in ten fold ratio, regarded. It appears, in this case from Mr. Foster's passport, that ordinary means were not in plenty; for he declares "*no ordinary conveyance could be procured.*" It also appears, that he would have preferred such means; as he avers that the employment of this vessel arose from "*an unpleasant necessity.*"

I am not inclined to say (but I give no opinion on any point, save *that* immediately before me) that a passport unaccompanied with unlawful conduct, protecting the vessel in this case, if the cargo be *really American*, from British cruisers, would have been *as to us*, cause of capture and condemnation; however it might have exposed her to the risk of being made prize of by other enemies of Great Britain. Passports from a belligerent, to neutrals (or possibly to our ships even now, when we have changed our neutral character) to proceed unmolested, from *one lawful port to another*, may not be considered as illegal; if not tainted with unlawful conduct or conditions. It is not unprecedented for a belligerent to exempt even enemy ships engaged in a particular trade, beneficial to such belligerent from capture by its cruisers. It is yet unlawful for us to trade with *Portugal and Spain*; with cargoes *bona fide* American property. If *all* our ships in this trade laden with cargoes belonging to our own citizens, were exempted from capture by the British, I do not now see, that we should have the right of condemning them as prizes to us. But when particular vessels are indulged with such exemptions, it creates suspicion, at least as to cargo. This has caused much animadversion in this case, and in all such cases, clear proof is required to repel the fraudulent appearance. *Simulated* papers are not, in themselves, causes of condemnation; though they throw the proof on the claimants; and carry with them strong suspicion of fraud. This vessel and cargo were *ensured*, and should have been documented, *as American property.* It is, on this score strange, that no papers, as to cargo, but those sworn by the claimant to be simulated, should be found on board. If he was justified in *covering*, to delude the enemy he certainly should have contemplated the risk of capture by us. *Incidit in Scyllam, cupiens evitare Charybden.* The solitary bill of lading, and that not in possession of the supercargo, offered to be proved to have been delivered to the lieutenant of the *Atlas*, by the *captain* of the *Tulip*, even if the proof had been admitted, seems but slender evidence of *bona fide* American property. The captain generally retains one of the bills of lading for his own purposes. This has no operation, as to proofs of property, one way or another.

I am not now necessarily bound to determine whether the law of the 6th of July embraces this case; or subjects the person and property of the owner to its forfeitures and penalties. If they even are so subject, they are not exempted from the laws of nations; when those are violated. I cannot agree in the doctrine insisted on, "that the claimant is only amenable to this law of our country; and if that does not reach him or his property, both are free from the operation of any other." It will be with more consideration than I think it necessary now to give the question, before I determine how far the prize jurisdiction, without special authority, in penal acts of the legislature, applies to forfeitures accruing under our municipal laws? The law of the 6th July only interdicts licenses to trade to a *British port.* It obliges vessels to give certain bonds, before *clearance* and

departure. The *Tulip* was lawfully *cleared*; the law not being, nor could it be known to either the claimant or the collector at New-York, before the clearance was given.

As to the questions of *trade with enemies*, I will meet them when they come *directly* before me. Possibly I may have to decide such questions *in chief*; and I do not choose, *incidentally*, to give an opinion. *Bynkershrock* (Duponceau's) 23, 4, clearly states—"But although *trading with the enemy* be not specially prohibited, *yet it is forbidden by the mere operation of the laws of war.*" He had before said, that most nations forbid such trading, either in their declarations of war, or by special laws or edicts. I notice this merely to shew, that in the opinion of this justly celebrated jurist, such municipal laws were only *cumulative* prohibitions, re-enactments or additions, to the law of nations; which would have been competent without them. In this light I consider the law of the 6th July, in this case. Nor can I agree with the claimant's advocates, that a citizen, to certain intents, may not be considered and treated as an enemy.—Municipal laws, tis true, may *cumulatively* for offences against the law of war, operate personally, and also on property, within our territory. But both person and property are still subject to the laws of nations. The *admiralty law*, operating in its proper tribunal, is peculiarly applicable to *property, within its jurisdiction*—and when that is rightfully employed on subjects of *prize*, it is emphatically, a court of the law of nations, in whatever place or country it sits. The technical definition of "enemy," given by one of the advocates for the claimant, would do well for a *philologist*; but *here*, it is more ingenious and learned, than solid. *A neutral* violating his neutrality, is separated, by his own misconduct from the character of his nation; and becomes an *individual enemy*. *A citizen* of a nation at war, lending himself or his property to the service of the enemy, comes, *pro hac vice*, and his property, though it may not be really or nominally enemy property, is subject to all the consequences. It is *contrary to his allegiance*—which is part of the law of nations; and there is no distinction, in this regard, between native and adopted citizens. He violates the obligations imposed on him by his allegiance when he affords service or assistance to the enemy, in any unlawful case. Conveying intelligence is accounted the most mischievous and unlawful, attribute and concomitant of trading with the enemy. I should hold the opinions, whereof my decision is the result, upon principle, if no decided case could be found. But see the case of the Hoop. 1, Rob. Am. ed. 165; and particularly the note, 184, Duponceau's Bynkershock 157, 8 Term. 561, 1 Term. Rep. 185, St. Leon, Jenkins Introd. 86, 92. And also sir William Scott's definition of *despatches*; and his reasoning as to the nature of them; 6 Rob. 465.

I know of no case of *service* to an enemy, acts of humanity excepted, which is not unlawful. Modern warfare permits (though not always practised) offices of *civility* between enemies. "*Les offices de civilite ne sont pas incompatible avec les devoirs de la guerre.*" But acts of benevolence and offices of civility, are very different from *services* which assist in the operations of the war.

The foundation of my decree is—that *this vessel* was, at the time of capture, with the knowledge of, and under the contract with, *the owner*, undeniably, *in the service of the enemy*—carrying despatches of a public nature, sent, under the charge of a messenger, from a *British minister, to his government*, during open and declared warfare between this country, and Great Britain and Ireland; in violation of the duty of allegiance of the owner. Whether the *service* in which she was engaged, was to be performed, by actually going into a British port, or by transhipping the messenger and despatches at sea, is, in my contemplation of the subject, immaterial. For this reason, I have passed over, in the statement, the circumstance of the capacity of the *British pilot Cleland* to place the vessel in a safe and convenient situation for landing himself and a servant of Mr. Foster's, who was on board, at the same English port or place. Neither the pilot or the servant, could have contemplated a passage to *England by the way of Lisbon.*—Trading with an enemy at sea, is equally illegal with so trading in port. Conveying intelligence, stands on the same principle, and subjects the *vehicle* employed, to capture as lawful prize. The *cargo*, if belonging to the owner of the vessel so employed, with his knowledge and by express agreement, in committing the offence, is confiscable *ex delicte*. "*Si sciverit, ipse est in dolo.*" And the "*Scienter*" of the owner, in this case, is incontrovertibly proved. If it be enemy property, it is confiscable *ex re*, so that, in either case, it appears to me to be lawful prize of war. On this view of the case, were I inclined to order further proof, on the claim of American ownership, it would produce no favorable result.

I have been compelled by a long discussion, often embarrassed by matter not necessarily belonging to it, and too much protracted to dilate on this subject so much more than I intended, that I do not pointedly notice all the authorities, which, I think, fully support my opinion.* In the case of the *Atalanta*, (7 Rob. 440) much information, on the subject of unlawfully conveying *public despatches*, will be found. Every thing there said to condemn the conduct of a neutral, applies, with double force, against the act of a citizen, in such a case. The ground of decision, in the case of the *Atalanta*, is not laid in the obnoxious British doctrines of *colonial trade*; but the importance of a colony to the mother country, is mentioned as an ingredient, to shew the enormity, and injurious tendency, of the offence. Nor is the judgment founded merely on the fraudulent conduct of the neutral; though that is also an ingredient, which, whatever there may be in this case of a similar nature, I have avoided introducing with any stress. The illegality and inimical conduct of the neutral, in carrying enemy-despatches, is, by sir Wm. Scott, pointedly relied on.

A neutral may carry despatches from a minister resident in his country, be the nature of them what they may, to the ports of the belligerent in the country to which the belligerent belongs.

If the neutral is stopped on the high seas for search all he has to do, is to act candidly, and deliver the despatches to the enemy of the minister's government: which those who use such conveyances must expect.† But concealment and mala fide conduct, are taking part with the enemy, and subject the neutral to the penalties inflicted by the laws of nations. Very different is the case of *a citizen*, whose country changes its state of peace and neutrality, to that of war. *No service* afforded to an enemy, as to despatches, or other assistance, can be justified. Delivery of the despatches, on capture, without even an attempt to conceal them, does not purify the original act; which was illegal *ab initio* in the citizen: though it might have been otherwise in the case of the neutral.

*See 4. Dallas. appendix. 3.
2. Rob. 69.
Bynkershock 1. P. c. 12, p. 95.

† 6. Rob. 454.
See case of the Carolina, 6 Rob. 461.
6 Rob. 458.

If there be not a decision directly to the point of this case, I hesitate not, to apply old principles to new circumstances. I agree in the reasoning of sir Wm. Scott on this subject. Although *all* his opinions are not in unison with our sentiments, (nor in some important instances are those of English *common law* judges) it would be illiberal and uncandid, to deny him the meed of great talents, sound sense, and a thorough knowledge of the laws of nations. I do not follow his decisions, or opinions, as binding authorities. But his decisions are luminous guides, where they are not warped by the executive edicts, or by the prejudices arising from inveterate state policy, which too often tarnish the character of the court in which he sits, and render it, when operated upon by them, no longer a tribunal governed by the laws of nations. *He* does not, however, stand alone, in supporting the principles which have directed my judgment.

I do not reject the fact of *noxious* dispatches. They are not, 'tis true, spread on the minutes, communicated *in extenso* to the claimants advocates, nor proved in the way they deemed exclusively proper.—Yet the tendency and character of them are sufficiently unfolded for all the purposes of justice. I rely *on the unlawful service*, incontrovertibly proved by the minister's passport; to the evidence whereof no objection has been, or can be made; as the principal ground of decision; though both grounds are, in my opinion, sufficiently tenable. The claimants own acknowledgment, on oath, would be competent proof, did not the passport, on its face, bear ample testimony, of the fact of employment in *enemies service*.

If I am mistaken, in this new course, which the unhappy contest we are now commencing has thrown upon me; my errors either in form or substance, may be corrected, on appeal.

Much complaint has been made, as to the form of the libel, the deficiency of the interrogatories, and the conduct of the examination of witnesses. The libel I do not think objectionable; though it might have been in another form, as to the parties libellants. The interrogatories are sufficient to produce the facts necessary in the cause. The proceedings at the examination *in preparatorio*, passed, for the most part, under my own observation. I saw nothing improper, or reprehensible. *Experience* will teach us what alterations, or additions, are necessary, in or to any of the proceedings; and I shall always be ready, in future cases, to listen to her lessons; aided by the suggestions of the gentlemen of the bar; including, very desirably, the learned advocates for the present claimant.

As I now conceive both the facts and the law of this case, my duty imposes on me the unpleasant task of condemning both the vessel and cargo, as lawful prize, according to the prayer of the libel.

RICHARD PETERS.

11th *September*, 1812.

Energy in War.

Though a difference of opinion exists—or, as some believe, rather *appears* to exist, as to the policy and necessity of the war against *England*, there is complete unity of desire for the restoration of peace, provided the contest terminates honorably; the causes that led to it being removed.

The whole spirit of our system of government, and the unanimous desire of all thinking men in America, direct to "peace, commerce and honest friendship with all nations—entangling alliances with none."—This may be fairly inferred from our long endurance of the *one-sided* war so relentlessly waged against the *persons* and property of our nation for years, by the present open enemy. We suffered these things with a degree of patience which, to those unacquainted with our character, approximated so closely to pusillanimity, that they supposed us willing to sell our birthright of freedom and independence for a mere bale of goods. But, by degrees, the indignation of the people rose to the *war-pitch*: they became fully sensible that *real peace* could not be hoped for but as the blessed fruit of *honorable war*; the constituted authorities of the nation, following the impulse of their constituents, took the state of their country into solemn consideration, and decreed, that war existed between the United States and their territories and Great Britain and her dependencies. This appeal to the sword was not made without counting the cost: we knew the enemy we had to contend with: we had before tried our strength with him, and experienced the whole weight of his *intrigues* and arms.

Though this solemn decision of the legislature of the union was in strict obedience to the will of a great majority of the people of the United States, some of our citizens, while they freely admitted the justice of all claims we advanced as founded upon the immutable laws of reason and right, [see the notes] appeared desirous to wave their rigid exaction for the present; believing that at a general peace, the *practice* of impressment, with the *principles* of the orders in council, would be abandoned. But peace will never take place in *Europe*, while the merchants govern *England* and Bonaparte rules *France*, except in consequence of some signal interposition of Divine Providence for the relief of afflicted humanity: and, in the mean time, the pretensions of *Great Britain*, by sufferance, would have grown into principles to be contended for and acted upon in all her future wars, that would sooner or later place us in our present hostile attitude, unless, indeed, we should become willing to surrender our dear bought independence to the avarice and arrogance of an insatiable nation and ministry.

There is another class of people opposed to the war. The mere creatures of England; ready to make any sacrifice of American honor and interest to subserve the views of the "mother country", or gratify their own sordid inclinations—a body of men destitute of national feeling. Void of all sensibility for the gallant sailor feloniously stolen from his country and friends, and perfectly willing to have *their* "trade regulated in all cases whatsoever," by an order in council, seeing their whole heart centers in dealing with the oppressor. The former class is deserving respectful attention, laboring under an error of opinion—but the latter is entitled only to repehension and censure, being dishonest, traiterous and avaricious. They are contemptible in point of numbers, but have wealth and great influence. One of the happiest effects of the war will be—the cleansing of the republic of such abominable rubbish. Heaven speed the day when the "*money changers*" shall be expelled from the political temple!

But the honest difference of sentiment in the American people, as to the propriety of unsheathing the sword against *England*, will not influence its return to the scabbard, until our unquestionable rights are rescued from the general wreck and ruin of liberty, at sea and on land, by the great nations of Europe. Our national pride and our individual feelings—our rank among the people of the earth with our self-esteem, and the glory and future safety of these states with the happiness of every citizen, are all deeply interested in a successful termination of the contest, just about to begin in real earnest. If, by

party divisions, we palsy the arm of government, and suffer the war to drag on heavily, or finish ignominiously, what have we to expect, threatened and assailed by the *savages* within and the *pirates* without, ALLIES in rapine and in blood? What sort of a treaty can we hope for, under such circumstances? Such a treaty will be granted as Great Britain kindly gives to an *East Indian* rajah, after her intrigues and arms have slaughtered half his people, and broken down the spirit of the remainder—a treaty which shall exact a *tribute* on our coasting trade, and establish British custom-houses at the mouths of our harbors. Nor will this supposition appear extravagant, when we consider what Great Britain *has* really imposed upon us while standing on the high ground of an unconquered and independent nation. Who could have believed a few years ago, that she would have made a *tariff* for all *our* articles of export, and have *levied a tax* on them as freely as upon the products of her own soil and industry? But this was done by an order in council—nay, she went further, and demanded also a *tribute* on all the articles we received in exchange for them; which *tax* and *tribute*, in several instances, were actually paid. Herein was the *real object* of the orders in council. The pretence that these orders were retaliatory, was monstrous; for Great Britain was willing the continent should receive our merchandize, *provided only*, she obtained the whole profit of the adventure, *out and in.*——The tariff above alluded to, is inserted in a note below. It is true, the burning of the gin at *Baltimore* that had paid the *tribute* in *England*, with the hideous effrontery of the measure itself, and the general indignation it excited, caused the British ministry to abandon it, retaining to themselves, however, the *right* to re-impose those duties, or any others they might think proper to levy at any future time, *in the same manner that they lately revoked the most offensive orders in council, in general.*

With such foretaste and knowledge of the presumption of the British government, as ambitious and overbearing as any that ever existed, *Bonaparte's* not excepted, what have we to hope for, if unsuccessful? Were Britain driven from this continent—were her trade in all parts of the world ruined and cut up by the industry and enterprise of our incensed seamen—were her West India colonies in the deepest distress, and her people at home in arms against her government, we would advance no new claim.—We desire simple justice, as contended for by *Washington*, *Adams*, *Jefferson* and *Madison*, in their several administrations. We ask no new thing. Our complaints are nearly as old as our government itself;—but the causes of them are more aggravating of late. We want nothing of England but what she herself demands and receives from other nations at peace. She will not permit any power to overhaul her ships, and impress her seamen; neither will we. She will not suffer any nation to exact a *tribute* on her commerce on the high seas; nor will we. She will not permit armed ships to hover on her coasts, and interrupt her home trade, and enter her harbors, and there murder and pillage whom they please; neither will we. She will not suffer the laws of nations and the free navigation of every sea, to be defined by the cabinet ministers of any particular kingdom or state; nor will we. We ask nothing of *England*, but what she herself, even for the least of them, would feel justified in going to war to maintain and defend. Will *she* then presume to say that justice is not on our side? No—whatever some of her friends may affirm, the British ministry will never have the impudence to assert that we have not abundant causes for war.

Under such circumstances war was declared; and we anticipate the effects of an ignominious peace.—To recede is impossible—the path to *peace* lies through the field of *war*. There is no other way of reaching that desired state, but by the exertion of every energy, corporeal and mental, to defeat the foe—efforts which, we are happy to discover, are now making in all parts of our country. The jangling of party is rapidly subsiding, and the people of the U. States are assuming a *national* character, which foreigners declare we were destitute of. Let every man, in his proper department—by his personal services, his money, his counsel or his advice, do whatever in him lies, to rescue his fellow citizen from the *scalping knife* of the *savage* of the wood and from the *press-gang* of the *pirate* of the ocean. From the unexampled spirit and energy of the *Western* people, we trust the hostile tribes of *Indians* will be swept from the face of the earth, or completely dispersed, before the "fall of the leaf"—*their* crimes and *our* safety demand this dreadful retribution.—Let the people of the *East* also exert their physical strength to harrass and cripple the *pirate* and the *man-stealer*. Eighty thousand as gallant tars "as ever cracked a biscuit," if duly supported, will carry terror into every sea, and make the enemy feel those things he has so liberally inflicted on others.

While the war lasts, let every man fight with all his heart and soul to end it speedily, and in any way that he can. Britain wants bread—we will refuse it. Her armies in *Spain* and *Portugal* must have our flour and corn; we will deny them, and make it death to furnish them with single meal.——Britain must have an export for her goods; we will not receive them. She must have timber and naval stores from *Canada;* we will dispossess her of Canada and cut off her supplies. Without commerce, she must suffer intolerably; we will injure her commerce to the utmost of our power: and will raise vast flocks of sheep and establish many manufactories, and rival her in the market of the world; we NOW manufacture several kinds of goods to the value of 20,000,000 of dollars *per annum*, that three or four years ago we received from her work-shops; and, in a few years we shall *export* all sorts of cotton goods as cheap, if not cheaper, than she can; and be it noted, her cot on manufactories produce about 50 millions of dollars a year. "We are a world of ourselves," and can live *independent* of any other place on earth. The next year we will clothe the whole army in homespun—aye, and they shall have *blankets* too, of *American* manufacture, cheaper and better than they can furnish them. We will raise a respectable naval force, and fearlessly attack her on the element she calls her own, and gladly meet her veterans, man for man and gun for gun. We will assail her in season and out of season—at all times and in all manner of ways—not for her destruction, but in *self-defence* for justice sake.

These things are much easier said than done—BUT WE WILL DO THEM. We have the means, and the will cannot be wanting. In the East, the West, the South and the North, we observe the most vigorous measures pursuing to discomfit the enemy. A new spirit appears to invigorate the government and the people: arms and the munitions of war, with brave and gallant spirits, are moving through the whole country. The torpor and indifference of a few parts of it are giving way to the impulses of patriotism; and narrow local prejudices are sacrificed on the shrine of the republic, "one and indivisible."—Our country is rich, and its resources inexhaustible.—We have assetts in hand—in the '*land fund*'—to pay the expenses of a 50 years war, and the substance of the people is yet untouched by taxes. We have every thing to hope for, if united with energy; and every thing to fear, if disordered and wavering. The

stake is INDEPENDENCE. Who will not contend for it? It is a pearl of great price, dearly purchased by the best blood of the land. Shall we cast it to the dogs by *party* jealousies, or hold it fast by *American* feelings and unity? Our country is at war; *England* is the foe; and no honest or reflecting man will stand neutral. Let Britain be undeceived. The American people, with a freedom of thought and action that she knows not, wrangle among themselves on points of policy—but when a stranger enters the portals of their country, their only consideration will be, to repel and punish the intruder, be he whom he may, a *Frenchman*, a *Briton* or an *Indian*.

NOTES TO THE PRECEEDING.

Extract from Mr. *Bayard's* speech in the Senate of United States, Oct. 31.

"They were adopted (the orders in council) as a "measure of retaliation, though they never deserv-"ed that character. He had always considered the "Berlin and Milan decrees used as a mere pretext.—"Those decrees were vain and empty denunciations "in relation to England. The plain design of the "British government was to deprive France of the "benefits of external commerce, unless the profits of "it were divided with herself. This was fully proved "by the license trade. Britain carries on the very "trade she denies to neutrals, and having engrossed "the whole to herself, she excludes neutrals from "a participation."——

"I am among the last men in the senate who would "justify or defend the orders in council—They vio-"late the *plainest* rights of the nation—The ground "of retaliation was never more than a pretext and "their plain object is to deprive France of neutral "trade. It never was contended, nor does Britain "now contend that she would be justified by the "laws or usages of nations to interdict our com-"merce with her enemy. She covers her injustice "with the cloak of retaliation, and insists that she "has a right to retort upon her enemy the evils of "his own policy—This is a doctrine which I am not "disposed to agree. It is destructive to neutrals.—"It makes them the prey of the belligerents."

"*It is a doctrine which we must resist.*"

In the speech of Mr. *Lloyd* of Massachusetts in senate, 28th February 1812, he says—

"I once thought Great Britain contended for her "existence: That *dream* has now completely pass-"ed away!"——

"And how is it possible, that a third and neutral "party can make itself a fair object of retaliation "for measures which it did not council—which it did "not approve—which militate strongly with its in-"terest—which it is and ever has been anxiously de-"sirous to remove—which it has resisted by every "means in its power—which it thought expedient to "use, and of these means the government of the "neutral country ought to be the sole judge—which "it has endeavored to get rid of even at great sacri-"fices!—how is it possible that a neutral country "thus conducting can make itself a fair object of re-"taliation for measures which it did not originate—"which it could not prevent and cannot control!—"Thus, sir, to my view, the orders in council are "wholly unjustifiable, let them be bottomed either "on the principle of retaliation or of self-preserva-"tion."

Extracts of the act of parliament passed 28th March, 1808, giving effect to the orders in council of the 11th Nov. 1807.

"The duties specified in the annexed tables are to be paid on all goods at the exportation, with the following exceptions:

1. All goods the produce, growth or manufacture of British colonies, or imported by the East India company, or under a license of this company.

2. All goods (not manufactured,) the produce of a country in amity with his majesty, imported in British vessels, or such belonging to such country, (except coffee, sugar, pimento, cocoa nuts, hides, tallow, oil, cotton, yarn and Per. bark.)

3. All goods by vessels who sailed before the periods fixed of notice of the orders in council having been received, (viz: in North America and in the West Indies, the 20th January) and proceeding to a port in amity with his majesty. N. B. cotton, yarn, and Per. bark must in all cases be landed here, the exportation being entirely prohibited.

4. Goods imported under license dated prior to the 11th November, or in vessels cleared at the ports they are imported from before the periods fixed, and which are ware-housed for exportation only.

5. Goods imported from any free-port in British W. I. colonies, before the 1st June, 1808, or from any other port under license of his majesty's governors, dated prior to the 1st January and ware-housed only for exportation.

6. Prize goods brought in before March 28, 1808.

7. Goods imported from St. Domingo (in return for goods shipped) under license, before the 5th February.—those subsequent are only liable to half the duties.

All East India goods must be ware-housed in London only, but if it is proved that a vessel arriving at an outport has only such quantity of East-India goods on board as must not exceed one-fourth of the value of her cargo, she may land there the goods, and either carry the East India goods to London, or tranship them by some other vessel.

Goods rated according to the value, must pay the duty upon the real value at the time of shipping.

Goods ware-housed under bond must be exported within 15 months, or the home consumption duties must be paid thereon: (if not prohibited) in default thereof they may be sold to defray the duties and charges, and the proceeds to be paid to the owners. If not so valuable as to produce the duties and charges they may either be destroyed or re-exported to the country they were imported from; provided such country is then in amity with his majesty.

This act to continue until the end of the next session of parliament. The king may alter or suspend this act, or any part thereof, as he thinks fit.

GOODS ALLOWED TO BE BONDED.

Barrilla	10s	per cwt. or	Dollars	2 22
Bark (Peruvian)	6s	—		1 35
Cochineal	7s	—		1 57
Cocoa nuts	*l* 1	—		4 44
Coffee	1 8s	—		6 14
Ginger	7s	—		1 57
Gum Arab and Senegal	10s	—		2 22
Hemp	15s	—		3 33
Hides (raw)	3s	per hide		67
Jalap		6d per lb.		11
Indigo	2s	—		45
Iron (in bars)	*l* 3	— per cwt.		13 32
Pimento		2d per lb		4
Pitch	4s	4d per 31 1-2 gal.		95
Quicksilver	1s	per lb.		22
Rhubarb	2s	—		45
Rice	2s	per cwt.		45
Rum and Spirits single		8d per gall.		15
Do. over-proof	1s	4d——		30
Sugar (brown or Muscovado)	10s	per cwt.		2 22
Do. (white or clayed)	14s	per cwt.		3 15
Tallow	7s	—		1 57
Tar	4s	4d per 31 1-2 gal.		95
Tobacco		1d 1-2 per lb.		3
Turpentine (common)	3s	6d per cwt.		7
Wine	*l* 6	per 252 gals.		26 64
Wood (mahogany)	1	per ton		4 44
Cotton		9d per lb.		16
Timber	1 7s	per 50 c. feet		4 98
Masts, &c. 6 in. and under 8,	5s	per piece		1 11
8 —— 12	10s	—		2 22
12 and upwards	1 7s	—		4 98

Goods not allowed to be bonded, and upon which the home-consumption duties must be paid on importation :

Anchors 40 per cent. on the value,			
Annotts	l 2 8s 4d per cwt.	Dollars	10 65
Argol	5s —		1 11
Ashes	10s —		2 22
Oak bark	2s 6d—		57
Bread	4s —		90
Butter	1 —		4 44
Cables and cordage	18s —		4 05
Wheat	10s per qr		2 22
Wheat-meal and flour	5s per cwt.		1 11
Stock-fish	2s 6d per 120		56
Other fish	4s per cwt.		90
Seed oil	10 10s per 252 gals.		45 51
Pork	17s 6d per cwt.		3 92
Flax-seed	1s 6d per 56lb.		33

Prize-goods prohibited—goods not enumerated, but which may be used in this country—on the *present duties* 40 per cent.

"A letter from *Rathbone, Hughes and Duncan*, of Liverpool, dated in the begining of April, 1808, has this paragraph :

These *duties* to attach to the cargoes of *all vessels bound from the United States to those ports on the continent which are under the influence of France, and arrive in this country, in compliance with the orders in council of the 11th Nov.*"

See the amount of the tribute on our exports,

A cargo of cotton of 1000 bales, of 300 lbs. each, which is about the common weight, paying 9d sterling, per lb. in England, would amount to the precise sum of 50,000 dollars. The same cargo of cotton at 14 1-2 cents per the average price for fine Louisiana cotton, will not cost at New-Orleans 43,500 dollars. Thus the exporter would have to pay 6,500 dollars in London, as a duty for liberty to proceed to the continent, more than the original cost—to this may be added the various other charges of tonnage, &c. amounting to about 2000 dollars more.

A cargo of tobacco may be said to consist of 400 hogsheads—for the sake of round numbers, we will suppose each hogshead only to weigh 1000 lbs. and the account stands thus—

400,000 lbs. Tobacco, at 1 1-2d sterling per pound, is l2,500 sterling, or Dollars	11,100 00
Tonnage at 12s. per ton on 400 tons, is l240 sterling, or	1,065 60
Light money and about 50 other charges and attendant expences, will amount to	800 00
Amount of tribute	12,965 60

A ship will carry about from 3000 to 3500 barrels of flour ; say, for the sake of calculation, 6000 cwt.

6,000 cwt. at 5s. sterling per cwt. comes to l1500 or dolls.	6,660 00
Tonnage and charges, as above	1,865 60
Amount of tribute	8,525 60

A ship load of fish would cost about 3500 or 4000 dollars including the duties and charges.

Of the 80,000 hogsheads we generally exported, about 12,000 were consumed in the British islands—the rest went to the continent—put them, as before, at 1000 lb. each, and what is the amount of tribute on this single article?	
68,000 hogsheads tobacco, weighing each 1000 lbs. is 68,000,000 lbs. at 1 1-2d sterling per pound is l425,000 or dollars	1,993,000 00
170 ships, tonnage, &c. at 2000 dollars each	340,000 00
Amount of tribute on tobacco	2,338,000 00

Events of the War.

MILITARY.

On Monday last there marched from Baltimore a hardy company of volunteers, consisting of 100 rank and file, under the command of Stephen H. Moore, to form a junction with col. *Winder's* regiment, now bordering on *Canada*. There is a prospect of their being speedily followed by another company. Perhaps no body of men were ever better calculated and provided for the service expected of them. They were fitted out in the most substantial manner by the munificent patriotism of the people of Baltimore, with every necessary ; and were besides presented with an elegant flag by the patriotic ladies of the seventh ward. A similar company is about to march from Petersburg, Va. another from Alexandria : and in various parts we hear of such movements. In many places companies of exempts are organized, not on paper only but in fact, and prepared to obey the call of their country. The growing zeal of the people to prosecute the war, augurs glory and success in it.

The Indians are ravaging the whole province of East Florida. Measures have been taken to punish their aggressions.

A letter from Erie (Pen.) dated September 18, says that news had reached that place that the British had taken possession of Eighteen mile Creek.

Lt. Col. Fenwick, of the U. S. light artillery, has arrived at Niagara, with some pieces of heavy ordnance. The force on the frontier is hourly strengthening. We may begin to look for important movements.

We have copies of two letters from Capt. Z. Taylor, commanding at *Fort Harrison*, which shall be given in our next paper. A large body of Indians made a furious attack on that post during the night of the 3d ult. but their design was completely baffled by a handful of men under captain Taylor, through great prudence and courage. On the 13th of that month, which is also the date of capt. T's last letter, 600 mounted rangers and 500 infantry, under the command of colonel William Russell, were within 35 miles of Fort Harrison, expecting to reach it on the 16th. Our mind is, therefore, relieved, as to the safety of this place.

The savages are now attacked, in great force, from various quarters. Several of their towns have already been destroyed.

The British have not obtained possession of fort St. Philip, at the Balize, as was reported. General Wilkinson has sent down a reinforcement, and will himself visit the post to place it on a respectable establishment.

Extract of a letter from Governor Meigs to General Van Horne—dated

URBANNA, Sept. 19, 1812.

"General Harrison's army reached fort Wayne on Saturday last, all safe. The Indians had retired four days before, after burning and destroying every species of property, public and private, outside the garrison. My brother and two soldiers are the only persons that have fallen at that place. Expeditions have gone out in different directions from fort Wayne to harrass the Indians. The Miamies were associated with the Potawatamies, and are of course against us. One party had gone against their towns on the Wabash, and another against the Potawatamies on the waters of lake Michigan.

There is now altogether in advance of this place, between 4 and 5,000 men, and about 2,000 within 2 days' coming on. We have every reason to believe that the frontiers will be visited by the savages.

R. J. MEIGS.

P. S.—Eight hundred Indians are here with their families, and appear friendly.

WAR DEPARTMENT, September 1, 1812.

"Your excellency's letter of August 24th is received. It is the determination of the president to regain the ground which has been lost, and to prosecute with redoubled vigor the original object of the campaign.

"In addition to the troops under general Winchester, a brigade of militia will be marched from the upper part of Pennsylvania, as soon as practicable, with such volunteers as may offer from that quarter. Fifteen hundred infantry has been ordered from Virginia, and the troops under General Harrison will cooperate with this force on the frontier. The president has great confidence in your zealous support of these measures by all the means within your control.

Very respectfully, yours, &c.

W. EUSTIS.

His excellency R. J. MEIGS, governor of Ohio.

Fall of Fort Dearborn at Chicaugo.—Yesterday afternoon, the Queen-Charlotte arrived at fort Erie, in 7 days from Detroit. A flag of truce soon landed at

Buffaloe creek maj. Atwater and lt. J. L. Eastman, who gave the following account of the fall of fort Dearborn. On the 1st Sept. a Potawatamie chief arrived at Detroit, and stated, that about the middle of Aug. capt. Wells, from fort Wayne, (an interpreter) arrived at fort Dearborn, to advise the commandant of the fort to evacuate it and retreat. In the mean time a large body of Indians of different nations had collected and menaced the garrison. A council was held with the Indians in which it was agreed that the garrison should be spared, on condition that all property in the fort should be given up. The Americans marched out but were fired upon and nearly all killed. There were about 50 men in the fort besides women and children, and probably not more than 10 or 12 taken prisoners. Capts. Wells and Heald (the commandant) were killed.

The affairs at Detroit remained without any material change. *Buffaloe Gaz.*

Extract of a letter from Hamilton, county of St. Lawrence, (N. Y.) dated Sept. 18, 1812.

"We have had a smart engagement in our neighborhood between our troops and 33 Canadian batteaux, which we endeavored to take in Putney's bay. We had about 170 men in three large boats, in which was a brass cannon. The British were too strong, and the battle ended after three hours firing, in the loss of Church's boat (which has been employed by the government) and one man (Macumber) killed, and two more wounded."

Extract of a letter, dated Buffaloe, Sept. 2.

"I am here surrounded with Indians, and the British fort Erie about 3 miles distant. Six tribes of Indians who are holding a council in this vicinity, it is said, are offended by a report that they will not be admitted into our army: but I presume they will be convinced to the contrary, though the agent is desirous of their remaining neutral."

PITTSBURGH (Penn.) Sept. 18.

Monday last marched from Fort Fayette for Carlisle, a detachment of 250 recruits of the regular army, under the command of major M'Glamey.

Since our last a number of volunteer companies, who had tendered their services to the governor, arrived here, amounting to upwards of 1000 men. This day they will march for the rendezvous at Meadville.

It is a fact (says a Western paper) that upwards of one hundred waggons were detained at Detroit, by order of general Hull, (the army having no use for them) from the 5th of July until the 16th of August, when they were given up to the British!

The works on Staten Island, the property of the state of New York, at this time mount eighty three 32 pounders, and are amply provided with ammunition. The garrison is under the command of lt. col. Swartwout, and is composed of 13 companies of volunteer militia in health and spirits.

NAVAL.

Captain Dacres with 300 British prisoners, sailed in a cartel last week from Boston for Halifax.

The gun boats and the U. S. brig Syren at bay St. Louis, near New-Orleans weathered the late gale without much damage.

Sir John B. Warren, with the fleet under his command [consisting of 2 vessels of 98 guns, 3 of 74, 2 of 64, 6 frigates and 2 sloops of war] for the American station, dropped down to St. Helen's on the 14th of August, and would sail the first fair wind.

A squadron of 7 ships of war, three of them two deckers, are said to have been seen on the 21st ult. about 100 miles from Martha's vineyard. They are *supposed* to be under the command of Admiral Warren.

ALBANY, September 24.

A fine body of jolly tars, about 100, passed through this city on Tuesday last for the lakes—They are part of the crew of the John Adams frigate, which has lately been taken out of service and converted into a prison ship—They were in waggons, with a flag hoisted in each—appeared in high spirits, and repeatedly cheered the citizens with their loud huzzas as they passed through our principal streets.

The Chronicle.

War prices.—The last crop of wheat was uncommonly productive; besides, large portions of *tobacco land* were thrown into the cultivation of it. Notwithstanding, the following are the prices current in this place, and the demand is very brisk,

Flour	- -	*per bbl.* - -	$ 10 00
Wheat	- -	*per bushel* - -	1 85
Corn	- - -	*ditto* - - -	0 90

A great battle was fought in Spain between the allies under lord Weilington and the French under Marmont, on the 22d of July, near Salamanca. We have not yet seen the regular details on either side, but a signal victory was obtained by the allies. The loss of the French is estimated at from 15 to 20,000 men, in killed, wounded and prisoners—the loss on the part of the allies is given at 5,000. Marmont was wounded, and effecting a retreat towards Madrid. Marshal *Soult* had left the neighborhood of Cadiz, with a considerable body of troops, to join him before the battle, but did not accomplish his object; the French force is said to have consisted of 46,000 men, before the engagement. The effect of this victory may be very important. Madrid will probably fall into the hands of the conqueror, and one account says it is already in his possession.

Russian contributions to carry on the war——150,000 ducats and a quantity of flour by prince SUROEM. 3 millions of roubles by the countess OSSORA. 80,000 men armed and equipped for the field for the imperial city of Moscow, &c.

In England the the price of flour is equal to 19 dollars for the American barrel—196 lbs. "Corn of every description is alarmingly high, and a long continuance of cold wet weather, causes it still to advance almost every market-day, and increases our apprehensions for the standing crops, which are very backward."

From a rough calculation, it appears that the British government consumes more than *one third* of the whole produce of the labor of the people of the United kingdom. In the United States, estimating our revenue at *twenty* millions, the government will receive about a *hundredth* part. Or, in other words the British husbandman and artizan toils one hundred days in the year to defray *his* portion of the cost of governing *him*—In the United States he would have to labor but three days, for the like purpose, even upon a war establishment.

Wilmington, (D.) Sept. 23.—Lieut. William S. Bush, who was killed on board the frigate Constitution, was a native of this place; his father, captain John Bush, was a meritorious officer in the revolutionary war, and he was the nephew of the brave major Lewis Bush, who was killed at the battle of Brandywine.

It was not, until too late to remedy the default, we observed that the PRIZE LIST for the week was omitted. It shall appear, with the needful additions, in our next. Several other articles in type have been shoved out, to make room for the interesting decree in the case of the brig TULIP—received at a late hour.

THE WEEKLY REGISTER.

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Hæc olim meminisse juvabit.—Virgil.

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Constitution of the United States.

The constitution framed for the United States of America, by a convention of deputies from the states of New-Hampshire, Massachusetts, Connecticut, New-York, New-Jersey, Pennsylvania, Delaware, Maryland, Virginia, North-Carolina, South-Carolina and Georgia, at a session begun May 25, and ended Sept. 17, 1787.

WE, the people of the United States, in order to form a more perfect union, establish justice, ensure domestic tranquility, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this constitution for the United States of America.

ARTICLE I.—SECTION I.

All the legislative powers herein granted, shall be vested in a congress of the United States which shall consist of a senate and house of representatives.

SECTION II.

I. The house of representatives shall consist of members chosen every second year, by the people of the several states: and the electors in each state, shall have the qualifications requisite for electors of the most numerous branch of the state legislature.

II. No person shall be a representative, who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States; and who shall not, when elected, be an inhabitant of that state in which he shall be chosen.

III. Representatives and direct taxes, shall be apportioned among the several states, which may be included within this union, according to their respective numbers, which shall be determined by adding to the whole number of free persons including those bound to service for a term of years, and excluding Indians not taxed, three fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the congress of the United States; and within every subsequent term of ten years, in such manner as they shall by law direct. The number of representatives shall not exceed one for every thirty thousand; but each state shall have at least one representative: and, until such enumeration shall be made, the state of New-Hampshire shall be entitled to choose three; Massachusetts eight; Rhode-Island and Providence plantations one; Connecticut five; New-York six; New-Jersey four; Pennsylvania eight; Delaware one; Maryland six; Virginia ten; North-Carolina five; South-Carolina five; and Georgia three.

IV. When vacancies happen in the representation from any state, the executive authority thereof shall issue writs of election to fill such vacancies.

V. The house of representatives shall choose their speaker and other officers; and shall have the sole power of impeachment.

SECTION III.

I. The senate of the United States shall be composed of two senators from each state, chosen by the legislatures thereof, for six years; and each senator shall have one vote.

II. Immediately after they shall be assembled, in consequence of the first election they shall be divided, as equally as may be, into three classes. The seats of the senators of the first class shall be vacated at the expiration of the second year; of the second class, at the expiration of the fourth year; and of the third class, at the expiration of the sixth year: so that one third may be chosen every second year. And if vacancies happen, by resignation or otherwise, during the recess of the legislature of any state, the executive thereof may make temporary appointments, until the next meeting of the legislature, which shall then fill such vacancies.

III. No person shall be a senator, unless he shall have attained to the age of thirty years, and been nine years a citizen of the United States; and who shall not, when elected, be an inhabitant of that state for which he shall be chosen.

IV. The vice-president of the United States shall be president of the senate, but shall have no vote unless they be equally divided.

V. The senate shall choose their other officers, and also a president pro tempore in the absence of the vice-president, or when he shall exercise the office of president of the United States.

VI. The senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the president of the United States is tried, the chief justice shall preside: and no person shall be convicted, without the concurrence of two-thirds of the members present.

VII. Judgment, in cases of impeachment, shall not extend further than the removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit, under the United States. But the party convicted shall, nevertheless, be liable and subject to indictment, trial, judgment, and punishment according to law.

SECTION IV.

I. The times, places, and manner, of holding elections for senators and representatives, shall be prescribed in each state by the legislature thereof: but the congress may, at any time, by law make or alter such regulations, except as to the places of choosing senators.

II. The congress shall assemble at least once in every year; and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

SECTION V.

I. Each house shall be the judge of the elections, returns and qualifications of its own members; and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorised to compel the attendance of absent members, in such manner, and under such penalties as each house may provide.

II. Each house may determine the rules of its proceedings; punish its members for disorderly behavior; and with the concurrence of two thirds, expel a member.

III. Each house shall keep a journal of its proceedings, and from time to time, publish the same, excepting such parts as may in their judgment require secrecy: and the yeas and nays, of the members of either house, on any question, shall, at the desire of one fifth of those present, be entered on the journal.

IV. Neither house during the session of congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

SECTION VI.

I. The senators and representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the treasury of the United States. They shall, in all cases, except treason, felony, and breach of the peace, be privileged from arrest, during their attendance at the session of their respective houses, and in going to, and returning from the same: for any speech or debate in either house, they shall not be questioned in any other place.

II. No senator or representative shall, during the time for which he was elected, be appointed to any civil office, under the authority of the United States, which shall have been created, or the emoluments of which shall have been increased, during such time; and no person holding any office under the United States, shall be a member of either house, during his continuance in office.

SECTION VII.

I. All bills, for raising revenue, shall originate in the house of representatives: but the senate shall propose or concur with amendments, as on other bills.

II. Every bill, which shall have passed the house of representatives and the senate, shall, before it become a law, be presented to the president of the United States. If he approve, he shall sign it; but if not, he shall return it, with his objections, to that house in which it shall have originated, who shall enter the objections at large on their journal, and proceed to re-consider it. If, after such re-consideration, two thirds of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be re-considered, and if approved by two thirds of that house, it shall become a law. But in all such cases the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each house respectively. If any bill shall not be returned by the president within ten days, Sundays excepted, after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the congress, by their adjournment, prevent its return, in which case it shall not be a law.

III. Every order, resolution, or vote, to which the concurrence of the senate and house of representatives may be necessary (except on a question of adjournment) shall be presented to the president of the United States; and before the same shall take effect, shall be approved by him, or, being disapproved by him, shall be repassed by two thirds of the senate and house of representatives, according to the rules and limitations prescribed in the case of a bill.

SECTION VIII.

The congress shall have power—

I. To lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defence, and general welfare of the United States: but all duties, imposts, and excises, shall be uniform throughout the United States.

II. To borrow money on the credit of the United States.

III. To regulate commerce with foreign nations, and among the several states, and with the Indian tribes.

IV. To establish a uniform rule of naturalization: and uniform laws on the subject of bankruptcies, throughout the United States.

V. To coin money; to regulate the value thereof, and of foreign coin; and fix the standard of weights and measures.

VI. To provide for the punishment of counterfeiting the securities and current coin of the United States.

VII. To establish post-offices and post roads.

VIII. To promote the progress of science and useful arts, by securing for limited times, to authors and inventors, the exclusive right to their respective writings and discoveries.

IX. To constitute tribunals inferior to the supreme court.

X. To define and punish piracies and felonies committed on the high seas, and offences against the law of nations.

XI. To declare war; grant letters of marque and reprisal; and make rules concerning captures on land and water.

XII. To raise and support armies. But no appropriation of money for that use, shall be for a longer term than two years.

XIII. To provide and maintain a navy.

XIV. To make rules for the government and regulation of the land and naval forces.

XV. To provide for calling forth the militia to execute the laws of the union, suppress insurrections, and repel invasions.

XVI. To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States; reserving to the states respectively the appointment of the officers, and the authority of training the militia according to the discipline prescribed by congress.

XVII. To exercise exclusive legislation, in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular states, and the acceptance of congress, become the seat of the government of the United States; and to exercise like authority over all places purchased by the consent of the legislature of the state in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings; and

XVIII. To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this constitution in the government of the United States, or any department or officer thereof.

SECTION IX.

I. The migration of or importation of such persons, as any of the states now existing shall think proper to admit, shall not be prohibited by the congress, prior to the year one thousand eight hundred and eight; but a tax may be imposed upon such importation, not exceeding ten dollars for each person.

II. The privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion, the public safety may require it.

III. No bill of attainder or ex post facto law shall be passed.

IV. No capitation or other direct tax shall be laid, unless in proportion to the census or enumeration herein before directed to be taken.

V. No tax or duties shall be laid on articles exported from any state. No preference shall be given, by any regulation of commerce or revenue, to the ports of one state, over those of another: nor shall vessels, bound to or from one state, be obliged to enter, clear, or pay duties in another.

VI. No money shall be drawn from the treasury, but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

VII. No title of nobility shall be granted by the United States: and no person, holding any office of profit or trust under them, shall, without the consent of congress, accept of any present, emolument, office or title, of any kind whatever, from any king, prince, or foreign state.

SECTION X.

I. No state shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make any thing but gold and silver coin a tender in payment of debts; pass any bill of attainder, ex post facto law, or law impairing the obligation of contracts, or grant any title of nobility.

II. No state shall, without the consent of congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imports, shall be for the use of the treasury of the United States; and all such laws shall be subject to the revision and control of congress. No state shall, without the consent of congress, lay any duty on tonnage, keep troops, or ships of war in time of peace, enter into any agreement or compact with another state, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

ARTICLE II.—SECTION I.

I. The executive power shall be vested in a president of the United States of America. He shall hold his office during the term of four years, and, together with the vice-president, chosen for the same term, be elected as follows.

II. Each state shall appoint, in such manner as the legislature thereof may direct, a number of electors, equal to the whole number of senators and representatives, to which the state may be entitled in the congress. But no senator or representative, or person holding any office of trust or profit under the United States, shall be appointed an elector.

III. The electors shall meet in their respective states, and vote by ballot for two persons, one of whom at least, shall not be an inhabitant of the same state with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each; which list they shall sign and certify, and transmit, sealed, to the seat of the government of the United States, directed to the president of the senate. The president of the senate shall, in the presence of the senate and house of representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the president, if such number of votes be a majority of the whole number of electors appointed; and if there be more than one who have such majority, and have an equal number of votes, then the house of representatives shall immediately choose by ballot one of them for president: and if no person have a majority, then, from the five highest on the list the said house shall in like manner choose the president. But in choosing the president, the votes shall be taken by states, the representation from each state having one vote: a quorum for this purpose shall consist of a member or members from two-thirds of the states; and a majority of all the states shall be necessary to a choice. In every case, after the choice of the president, the person having the greatest number of votes of the electors, shall be the vice-president. But if there shall remain two or more who have equal votes, the senate shall choose from them by ballot the vice-president.

IV. The congress may determine the time of choosing the electors, and the day on which they shall give their votes; which day shall be the same throughout the United States.

V. No person, except a natural-born citizen, or a citizen of the United States at the time of the adoption of this constitution, shall be eligible to the office of president; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States.

VI. In case of the removal of the president from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the vice-president; and the congress may, by law, provide for the case of removal, death, or inability both of the president and vice-president, declaring what officer shall then act as president: and such officer shall act accordingly, until the disability be removed, or a president shall be elected.

VII. The president shall, at stated times, receive for his services, a compensation which shall neither be increased nor diminished during the period for which he shall have been elected: and he shall not receive, within that period, any other emolument from the United States, or any of them.

VIII. Before he enter on the execution of his office, he shall take the following oath or affirmation:

"I do solemnly swear (or affirm) that I will faithfully execute the office of president of the United States; and will, to the best of my ability, preserve, protect, and defend the constitution of the United States."

SECTION II.

I. The president shall be commander in chief of the army and navy of the United States, and of the militia of the several states, when called into the actual service of the United States. He may require the opinion in writing of the principal officers in each of the executive departments, upon any subject relating to the duties of their respective offices; and he shall have power to grant reprieves and pardons, for offences against the United States, except in cases of impeachment.

II. He shall have power, by and with the advice and consent of the senate, to make treaties, provided two-thirds of the senators present concur: and he shall nominate, and by and with the advice and consent of the senate, shall appoint ambassadors, other public ministers, and consuls, judges of the supreme court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law. But the congress may, by law, vest the appointment of such inferior officers as they think proper in the president alone, in the courts of law, or in the heads of departments.

III. The president shall have power to fill up all vacancies that may happen during the recess of the senate, by granting commissions which shall expire at the end of their next session.

SECTION III.

He shall from time to time give to the congress information of the state of the Union; and recommend to their consideration such measures as he shall judge necessary and expedient. He may, on extraordinary occasions, convene both houses or either of them; and, in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper. He shall receive ambassadors and other public ministers. He shall take care that the laws be faithfully executed; and shall commission all the officers of the United States.

SECTION IV.

The president, vice-president, and all civil officers of the United States shall be removed from office on impeachment for, and conviction of treason, bribery, or other high crimes and misdemeanors.

ARTICLE II.—SECTION I.

The judicial power of the United States shall be vested in one supreme court, and in such inferior courts, as the congress may from time to time ordain and establish. The judges, both of the supreme and inferior courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services, a compensation, which shall not be diminished during their continuance in office.

SECTION II.

I. The judicial power shall extend to all cases, in law and equity, arising under this constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers, and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more states, between a state and citizens of another state, between citizens of different states, between citizens of the same state claiming lands under grants of different states, and between a state, or the citizens thereof, and foreign states, citizens, or subjects.

II. In all cases affecting ambassadors, other public ministers, and consuls, and those in which a state shall be party, the supreme court shall have original jurisdiction. In all the other cases before mentioned, the supreme court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations as the congress shall make.

III. The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the state where the said crime shall have been committed; but when not committed within any state, the trial shall be at such place or places as the congress may by law have directed.

SECTION III.

I. Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid

and comfort. No person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act, or on confession in open court.

II. The congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood, or forfeiture, except during the life of the person attainted.

ARTICLE IV.—SECTION I.

Full faith and credit shall be given in each state to the public acts, records and judicial proceedings of every other state. And the congress may by general laws prescribe the manner in which such acts, records and proceedings shall be proved, and the effect thereof.

SECTION II.

I. The citizens of each state shall be entitled to all privileges and immunities of citizens in the several states.

II. A person charged in any state with treason, felony, or other crime, who shall flee from justice, and be found in another state, shall, on demand of the executive authority of the state from which he fled, be delivered up, to be removed to the state having jurisdiction of the crime.

III. No person held to service or labor in one state, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.

SECTION III.

I. New states may be admitted by the congress into this union, but no new state shall be formed or erected within the jurisdiction of any other state; nor any state be formed by the junction of two or more states, without the consent of the legislatures of the states concerned as well as of the congress.

II. The congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this constitution shall be so construed as to prejudice any claims of the United States, or of any particular state.

SECTION IV.

The United States shall guarantee to every state in this union a republican form of government, and shall protect each of them against invasion; and on application of the legislature, or of the executive, when the legislature cannot be convened, against domestic violence.

ARTICLE V.

The congress, whenever two thirds of both houses shall deem it necessary, shall propose amendments to this constitution, or, on the application of the legislatures of two thirds of the several states, shall call a convention for proposing amendments; which, in either case, shall be valid to all intents and purposes, as part of this constitution, when ratified by the legislatures of three fourths of the several states, or by conventions in three fourths thereof, as the one or the other mode of ratification may be proposed by the congress: Provided that no amendment which may be made prior to the year one thousand eight hundred and eight, shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no state, without its consent, shall be deprived of its equal suffrage in the senate.

ARTICLE VI.

I. All debts contracted, and engagements entered into before the adoption of the constitution, shall be as valid against the United States under this constitution, as under the confederation.

II. This constitution, and the laws of the United States, which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land: and the judges in every state shall be bound thereby, any thing in the constitution or laws of any state to the contrary notwithstanding.

III. The senators and representatives before mentioned, and the members of the several state legislatures, and all executive and judicial officers, both of the United States and of the several states, shall be bound by oath or affirmation to support this constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

ARTICLE VII.

The ratification of the conventions of nine states shall be sufficient for the establishment of this constitution, between the states so ratifying the same.

Done in convention, by the unanimous consent of the states present, the seventeenth day of September, in the year of our Lord one thousand seven hundred and eighty-seven, and of the independence of the United States of America the twelfth. In witness whereof, we have hereunto subscribed our names.

GEORGE WASHINGTON, President,
and deleg ate from Virginia.

New-Hampshire.
John Langdon,
Nicholas Gilman.
Massachusetts.
Nathaniel Gorham,
Rufus King.
Connecticut.
William Samuel Johnson,
Roger Sherman.
New-York.
Alexander Hamilton.
New-Jersey.
William Livingston,
David Brearley,
William Patterson,
Jonathan Dayton.

Delaware.
George Reed,
Gunning Bedford, jun.
John Dickinson,
Richard Basset,
Jacob Broom.
Maryland.
James M'Henry,
Daniel of St. Thomas Jenifer,
Daniel Carroll.
Virginia.
John Blair,
James Madison, jun.
North-Carolina.
William Blount,
Richard Dobbs Spaight,

Pennsylvania.
Benjamin Franklin,
Thomas Mifflin,
Robert Morris,
George Clymer,
Thomas Fitzsimons,
Jared Ingersoll,
James Wilson,
Governeur Morris.
Hugh Williamson.
South-Carolina.
John Rutledge,
Charles C. Pinckney,
Charles Pinckney,
Pierce Butler.
Georgia.
William Few,
Abraham Baldwin.
Attest, WILLIAM JACKSON, Secretary.

AMENDMENTS.

The following articles in addition to, and amendment of, the constitution of the United States, having been ratified by the legislatures of nine states, are equally obligatory with the constitution itself.

I. Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech, or the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

II. A well regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed.

III. No soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in any time of war, but in a manner to be prescribed by law.

IV. The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated; and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

V. No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, excepting cases arising in the land or naval forces or in the militia, when in actual service, in time of war, or public danger: nor shall any person be subject, for the same offence, to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case, to be witness against himself; nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

VI. In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury, of the state and district wherein the crime shall have been committed; which district shall have been previously ascertained by law; and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; and to have the assistance of counsel for his defence.

VII. In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved; and no fact tried by jury shall be otherwise re-examined in any court of the United States, than according to the rules of the common law.

VIII. Excessive bail shall not be required; nor excessive fines imposed; nor cruel and unusual punishment inflicted.

IX. The enumeration, in the constitution, of certain rights shall not be construed to deny or disparage others retained by the people.

X. The powers not delegated to the United States by the constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.

XI. The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another state, or by citizens or subjects of any foreign state.

XII. The electors shall meet in their respective states, and vote by ballot for president and vice-president, one of whom, at least shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as president, and in distinct ballots the person voted for as vice-president; and they shall make distinct lists of all persons voted for as president, and of all persons voted for as vice-president, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the government of the United States, directed to the president of the senate; the president of the senate shall, in the presence of the senate and house of representatives, open all the certificates, and the votes shall then be counted: the person having the greatest number of votes for president shall be the president, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as president, the house of representatives shall choose immediately, by ballot, the president. But in choosing the president, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. And if the house of representatives shall not choose a president whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the vice-president shall act as president, as in the case of the death or other constitutional disability of the president.

The person having the greatest number of votes as vice-president, shall be vice-president, if such number be a majority of the whole number of electors appointed; and if no person have a majority, then from the two highest numbers on the list, the senate shall choose the vice-president: a quorum for the purpose shall consist of two-thirds of the whole number of senators, and a majority of the whole number shall be necessary to a choice.

But no person constitutionally ineligible to the office of president shall be eligible to that of vice-president of the U. States.

Patriotic Address

Of the governor to "his fellow-citizens and particularly to the young men of North Carolina."

Not long since the American standard was planted on the shores of Canada; our army was composed of as brave men as ever graced the service of any power on earth; the patriotism, military skill and integrity of the commanding general never had been questioned. Our enemy's country being thus invaded by our army, composed of such brave men, headed by a general in whom it was believed were united all the qualifications necessary to constitute an able commander, could not fail to inspire the government and people of the United States with the utmost confidence, that the advantages gained could and would be maintained against any opposing force that could be brought into action before the arrival of the reinforcements destined for that army. This confidence was of short duration; it quickly gave way to doubts and apprehensions, which were scarcely entertained before they were confirmed. To the great surprise and astonishment of all, this brave and intrepid army, eager for battle, has been, by capitulation, surrendered by their general *without firing a gun*, to a force consisting mostly of miserable savages, whose flight before artillery or the bayonet, in open combat, is as certain as that they are used in repelling them. Whilst this strange, this inexplicable conduct of the general drew tears from his valiant soldiers, it inflicted a wound upon his country's fame. Shall that fame continue to be tarnished? The brave sons of the west answer in the negative. They are voluntarily repairing to their country's standard to retrieve its tarnished reputation. Their example followed, and the enemy will quickly be taught, that out of this reverse of fortune, will eventually grow an army capable of bearing down all opposition, and of dictating its own terms within the walls of Quebec. Will you, patriotic sons of North Carolina, hesitate to follow their noble example, to fly to your country's standard, to share in achievements which will cover their authors with immortal glory and renown? Can you behold the bleeding wounds of your country, and not with eagerness rush to its defence? Can you, with cold indifference, contemplate the horrid massacres perpetrated on our frontiers by the deluded and merciless savages, instigated by our no less barbarous enemy? Can you repose, when you reflect that you might be instrumental in rescuing thousands of defenceless women and children from the *torture*, from the *tomahawk* and from the *scalping knife?* No, assuredly not. To answer these questions in the affirmative, would be to charge you with being unsusceptible of that patriotic ardor which animates and rouses your brave countrymen of the west; with a shameful disregard of the wounds inflicted upon your country's reputation, and a total want of feeling for the unparalleled distresses and sufferings of the unfortunate and unprotected citizens on the frontiers. Your patriotism, your honor and your philanthropy disdain such charges. Will you hesitate, then, to obey the dictates of your feelings? Shew by your acts that you are determined to co-operate with your brave countrymen, not only in obliterating the foul stain which your country has received, but in effectually reducing and subduing the British forces and the ferocious blood-thirsty savages. Form *volunteer companies* and make a tender of services to the president of the United States.—You have already been informed that he is authorised by an act of congress passed 6th February, 1812, to accept the services of 50,000 volunteers. Under that act let your tender be made. When you are enrolled and your services accepted, you will be organized by the president, and when called upon duty, your services will be required for twelve months. You will be armed and equipped and paid by the general government. Those of you who may prefer a more permanent establishment will render yourselves still more useful by filling the ranks of the regular army. It is unnecessary to detail the inducements offered to those patriots who may wish to join that description of force; suffice it to say, that when they are weighed by him who may be inclined to prefer the regular service, they will be sufficiently powerful to determine him to enter it without hesitation. To be a soldier in time of war is an honor which will not fade when his services are at an end. Those who fall in defence of their country, will live in remembrance of a grateful posterity, and those who live to see peace restored upon terms compatible with the honor and dignity of their country, will not only be hailed as its brave defenders, but will thence forward enjoy the blissful consciousness of having performed their duty in the arduous conflict, the termination of which had reflected lustre on the American character. They will not only *themselves* enjoy the well earned fruits of their services, but their descendants will inherit the glory and renown which their bravery and patriotism had guaranteed to them.

Conscious, fellow-citizens, that you are impressed with a due sense of the justness of the cause in which our country is at present engaged, and of the propriety of placing yourselves in an attitude to afford it prompt and effective support, I entertain the pleasing hope that in prosecuting the war, you will not furnish grounds to be charged with delinquency by the citizens of our sister states.

I have the honor to be,
With the greatest attachment,
Your obedient servant,
WILLIAM HAWKINS.

HEAD QUARTERS,
Raleigh, September 23, 1812.

Legislature of Upper Canada.

We *register* the following as among the *curiosities* of the times. It contains something so very singular that we should be tempted to account it spurious, if not assured that it really is what it purports to be.

ADDRESS OF THE HOUSE OF ASSEMBLY TO THE PEOPLE OF UPPER CANADA.

The house of assembly having nearly completed the necessary business for which they were called together, beg leave before they return home, to lift up their warning voice to their constituents at this eventful crisis. The declaration of war issued against Great Britain by the United States, when first announced, appeared to be an act of such astonishing folly and desperation, as to be altogether incredible, and not only excited the greatest surprise among the inhabitants of this province, but among the great majority of our enemies themselves. So many cogent reasons from interest, affection and virtue, pleaded for an opposite policy, that the most intelligent became the most credulous. That a government professing to be the friend of man and the great supporter of his liberty and independence, should light up the torch of war against the only nation that stands between itself and destruction, exhibited a degree of infatuation or madness, altogether incomprehensible—"it cannot be," said the wiser part of our inhabitants, "the United States will never declare war against a nation which has uniformly treated them with kindness and respect, whose fleets pro-

tect their commerce, and whose armies support their freedom and independence." But the men at present ruling the states, infatuated, or as their more enlightened countrymen say, "bribed by the tyrant of France," regardless of the best interests of their country, and the feelings and affections of the great majority of their own people, have commenced hostilities against our mother country while treating their vessels with hospitality, and instead of threatening their liberties, offering the most equitable terms of accommodation This war, on the part of United States, includes an alliance with the French usurper; whose dreadful policy has destroyed all that was great and good, venerable and holy on the continent of Europe. The government of this bloody tyrant penetrates in to every thing—it crushes individuals as well as nations; fetters thoughts as well motives, and delights in destroying for ever all that is fair and just in opinion and sentiment. It is evidently this tyrant who now directs the rulers of America, and they shew themselves worthy disciples of such a master.—Already have they seduced two provinces from Spain. They first tempted the people to rebel against their lawful government, and then they deceived and oppressed them.

They chose a time, to themselves the most inglorious, for this infamous conduct, when Spain overwhelmed with calamities and fighting most nobly at home for liberty and every thing dear to man, was not able to send seasonable aid to her distant colonies. It is certainly not the least wonderful among the occurences of this astonishing age, that we should find a nation descended from Englishmen, connected still by the same language and laws, by consanguinity and many similar habits, not merely eulogizing the implacable enemy of their parent state, but joining him in the war; and while pretending to nourish the purest principles of liberty, bowing the knee before the foe of all just and rational freedom, and supplicating his acceptance of tribute and adulation.

From this degrading picture, at which the friends of mankind and posterity will weep, we turn with joy to you, many of whom have already risked your lives to maintain the unity of the empire—we are confident that the same spirit still animates your breasts and those of your children, that you still retain the same love for your excellent king, the same veneration for our free and happy constitution that you exhibited during the American war. You preserved your loyal principles amidst the most dreadful political divisions and most implacable hostilities; you were not to be cajoled by those wicked and designing men who looked for private gratifications in the public ruin. You were not to be deceived by their slanders on the parent state. You felt no hardship, no cruel oppression. You saw no examples of inhumanity and cruelty; these were imaginary evils, invented for the most wicked purposes, by those who sought for gain amidst slaughter and blood. You resisted their influence, and you acted nobly. You were not indeed successful, but the attempt covers you with glory. When we picture to ourselves the sublime prospect which the world would have exhibited this day, had the population of the neighboring states preserved like you, their filial love, we should not have now beheld the continent of Europe groaning under the yoke of a sanguinary tyrant, nor his satellites in America studiously imitating his ferocious example.

It is therefore from former experience that we look to you for the same patriotic principles, principles which enabled you to face death in his most dreadful attire, principles which exalt human nature, and which have been warmly cherished by the most virtuous and renowned in every age; and surely when we are attacked by the same enemy, who once already aided by the mistaken lenity of our mother country and the misconduct of her commanders, were able to drive us from our native homes and possessions to this province, a people whose lands are manured with the blood of our friends and kinsmen, who drove our wives and children from their houses into the woods, or threw them into dungeons, and who now envy us the habitations which through the blessing of Providence, the beneficence of our parent state and our own industry, we have gained from the wilderness: we are confident that you will display the same energy, and certainly with better hopes of success. Great Britain will not now consider Americans as perverse children who may be reclaimed, but as her most malignant foes. Her commanders will not, as formerly, temporise and raise hosts of enemies by their misconduct and delays, but they will hasten to punish them with all the rigor of war.

Already have we the joy to remark, that the spirit of loyalty has burst forth in all its ancient splendor. The militia in all parts of the province have volunteered their services with acclamation, and displayed a degree of energy worthy of the British name. They do not forget the blessings and privileges which they enjoy under the protection and fostering care of the British empire, whose government is only felt in this country by acts of the purest justice, and most pleasing and efficacious benevolence. When men are called upon to defend every thing they hold precious, their wives and children, their friends and possessions, they ought to be inspired with the noblest resolutions, and they will not be easily frightened with menaces, or conquered by force. And beholding as we do, the flame of patriotism burning from one end of the Canadas to the other, we cannot but entertain the most pleasing anticipations. Our enemies have indeed said, that they can subdue this country by a proclamation; but it is our parts to prove to them that they are sadly mistaken; that the population is determinately hostile, and that the few who might be otherwise inclined, will find it their safety and interest to be faithful.

For nothing is clearer than this, that if there be any person so base and degenerate as to join the enemy after having taken the oath of allegiance, he not only forfeits his property but his life. The British government never will make peace with the American states, till full and ample indemnification has been received for all depredations committed in this country; nor will we permit a single traitor ever to return. Let those who have come from the neighboring states consider this well, and assure themselves, that as we are eager to reward loyalty and affection for the government, so are we not slow in punishing treachery.

Innumerable attempts will be made by falsehood to detach you from your allegiance; for our enemies, in imitation of their European master, trust more to treachery than to force; and they will, no doubt, make use of many of those lies, which unfortunately for the virtuous part of these states, and the peace and happiness of the world, had too much success during the American rebellion,—They will tell you that they are come to give you freedom—yes, the base slaves of the most contemptible faction that ever directed the affairs of any nation—the minions of the very sycophants who lick the dust from the feet of Bonaparte will tell you, that they are come to communicate the blessings of liberty to this province; but you have only to look at your situation, to put such hypocrites to confusion. In order to insure our prosperity and happiness, a constitution has been given us, modelled from that of our parent state;

not the hasty production of a day; but rising out of the experience of centuries. A governor standing in the place of his majesty, a legislative council composed of a select number of the principal inhabitants of this province, and the representatives of the people fairly chosen.—In the appointment of a legislative council, a reward is presented to those who shall deserve well of the public, and a foundation laid for an influence different from that which is produced by overgrown wealth. Honors are a cheaper and more effectual mode of remunerating valor, genius, and singular attachment, than any sordid or pecuniary benefit. They are such rewards as meet the feelings of the generous and noble minded, and they nourish that pure and exalted ambition which gives life and energy to public affairs, which rouse the most dignified principles of action, and extinguish that low grovelling policy which only aims at despicable gratifications.

If the real foundation of true liberty, and consequently of solid happiness, consists of being amenable only to the laws which we or our representatives ordain, then are we in possession of that liberty and that happiness, for this principle was fully recognized by our excellent constitution. Your House of Assembly are truly elected by the people—consequently all have a share in the government, because all have a vote in the election of those who make the laws. If these laws are not favorable to virtue—if they are not clear and precise, we have nobody to blame but ourselves, and we have the power of altering them.

The time for which our representatives are chosen, has a view to the situation of the province as well as to the state of the public mind. The period is infinitely better than annual elections, because it gives the representatives to comprehend the business for which they are sent, and enables them to bring to maturity regulations which require information from different parts of the country. The qualifications for becoming an elector are simple and moderate, every person may soon possess them, who is not convicted of felony, or who has not yet attained the legal age. Nor is any person excluded from becoming a representative except the public teachers of religion, and such as are not subjects of the king. Is not this constitution perfect above all others? In our laws and institutions there is so much wisdom, such an anxiety to keep the moral code always in view, such an attention to our feelings, such a regard to the preservation of our rights both in person and property, such a steady abhorrence of vice, and such a strict enforcement of virtue, in as far as it can become the object of public regulation, as merits on our part, the most steady attachment; and in putting them in force there is, if possible, more to praise than in the laws themselves. If ever impartiality in the administration of justice was attained, we have certainly attained it. There is no interference on the part of government. The true interest of the rulers as well as of the people is known to depend upon the unfettered operations of the laws. The judges and crown officers selected from an honorable and liberal profession; men whose minds are raised by their education, far above all narrow and sordid views, are appointed to put the laws in force. When we behold these upright dispensers of justice without any temptation to the right or to the left, prepared by a long course of study for their awful and important functions; when we behold them hearing with the greatest candor and most invincible patience, not merely the causes between different subjects, but those between private citizens and their sovereign, and instead of leaning to the rulers who appoint them, giving every proper facility to the prisoners, attending particularly to his defence, and even becoming of his council when he errs. Shall we not feel grateful to a government which promotes and sanctions so great uprightness, and which seeks so eagerly the happiness of its people. It is not enough that we be obedient subjects to such a government as this; we must be active in its defence against open enemies and internal foes. Is there any person who is not conscious that he is completely master of his own conduct—that the quiet possession of his life, his person and property, and good name, are secured to him by the laws. Do we not feel that our government is able, and not merely able, but careful to protect the rights of every individual, and to allow him as much liberty as is compatible with the rights of his fellow subjects; protecting him against all oppression, giving free scope to the exertion of his talents, and in every way contributing to his comfort and happiness. Such is a faint sketch indeed of the glorious constitution which we enjoy; and this we are called upon to exchange for the government of the United States; a government which has oppressed and impoverished its own people, and deprived them virtually, of all their valuable privileges. For how can liberty exist among a people where officers of state and representatives crouch to a bloody tyrant. Be vigilant against such enemy; the contest is indeed awful and to be deplored; but of the event your representatives entertain no dread.

It is not necessary for us to examine the causes alledged by our enemies for this unjust and unnatural war, because an address from the house of representatives of the state of Massachusetts, the most respectable in the union, proves in the most satisfactory manner, that it is wanton and unprovoked, and is the climax of the various outrages previously committed against Great Britain. In this statement they have been joined by the minority in congress, whose exposition of the secret reasons of the war, and the falsehood of those alledged by the president and his friends is unanswerable, and must hand down the promoters of this diabolical measure to the execration of posterity. Indeed the more enlightened and best informed persons in the United States, all men who love their native land and think with impartiality, are against the war; and as they form an increasing majority, we have every reason to suppose, that they will be able to hurl their opponents from power, and speedily to restore peace to their country.

Finding on their meeting, that the province was actually invaded, it became immediately necessary for your representatives to give as much efficacy as possible to our natural means of defence. For this purpose, several alterations have been made in the militia laws, which being framed from a state of tranquility, were too weak in their provisions for actual war. These alterations render it easy for the commander in chief of the province to call out any part, or in cases of necessity the whole of the militia, subject while embodied, to the strictest discipline, that they may become truly formidable to the enemy. Your representatives persuaded themselves that the great majority of their constituents were willing to make every sacrifice at such a time as this, and to endure a temporary privation of liberty, in order ultimately to secure the whole. In providing for the defence of the province, your representatives did not hesitate to enact the severest punishment against those who refuse to march against the enemy, or who endeavor by their influence, to discourage and deter others. But as they apprehend more danger from the private machinations of their foes than their open attacks, it was necessary to restrain the liberty of

those who were not immediately called into the field. Trusting more to treachery than open hostility, our enemies have already spread their emissaries through the country to seduce our fellow subjects from their allegiance, by promises as false as the principles on which they are founded. A law has therefore been enacted for the speedy detection of such emissaries and for their condign punishment on conviction; a law which it will not be easy to escape.——In passing these different acts for the defence and preservation of the province your representatives proceeded with all possible moderation. The exigency of the times would have perhaps justified them in adopting stronger measures; but they were not disposed to abridge the rights and privileges of the people, any further than was absolutely necessary. It did not escape them, that placed as we are so near our enemies, bordering upon them through such an extensive line of country, connected with them by so many ties, and so many persons lately from the American states settled among us whose inclinations, though in the main good would naturally lean against us, ordinary measures of caution were not sufficient. But trusting on the other hand, to the well tried loyalty of the great body of the people, to assist in the execution of the laws and in the detection of those doubtful characters and secret traitors, they have been induced to adopt the most lenient, which a due attention to the general safety would admit. Your representatives finished their labors with placing in the hands of his honor, the president, all the public money that they could collect, in order to contribute as much as possible to the extraordinary expence which the war renders necessary, and they have the fullest confidence that it will be most faithfully applied. Having thus endeavored to the best of their abilities, to provide for the welfare and safety of the province, your representatives take the liberty of reminding you the best laws are useless without the zealous co-operation of the people; unless you are prepared to undergo the greatest privations, and to make the severest sacrifices, all that your representatives have done will be of no avail. Be ready then at all times to rally round the royal standard, and let those who are not called into service assist the families of those who are in the field. Be quick to discern and prompt to seize upon all those who either by word or deed seek to stifle or discourage that ardent patriotism which at this moment animates all the inhabitants of this province; let your whole attention be applied to the defence of the country and the defeat of our enemy.

Inspired with this disposition, your representatives are confident of success, for although they admit that the contest will be terrible and the hardships which you will have to suffer severe, yet the justice of our cause, and your gratitude and attachment to the illustrious nation of which you form a part, will enable you to surmount them. And let no one deceive you with vain terrors concerning the new powers with which we have armed government. The good and loyal will never perceive them, except in the greater security which they will give him, for they are placed in the hands of his excellency general Brock, a commander no less distinguished for his valor in the field, than for his justice and humanity. In his wisdom and experience, in war, your representatives have the firmest reliance; and they rejoice that at such a crisis a general of so great abilities, and whose private merits gain the hearts of all who know him, should, through Divine Providence, be placed at the head of this government. Remember when you go forth to the combat, that you fight not for yourselves alone, but for the whole world. You are defeating the most formidable conspiracy against the civilization of man that ever was contrived; a conspiracy threatening greater barbarism and misery than followed the downfall of the the Roman empire—that now you have an opportunity of proving your attachment to our parent state which contends for the relief of oppressed nations, the last pillar of true liberty, and the last refuge of oppressed humanity.—Persevere as you have begun, in your strict obedience to the laws, and your attention to military discipline; deem no sacrifice too costly which secures the enjoyment of our happy constitution; follow with your countrymen in Britain, the paths of virtue and, and like them, you shall triumph over your unprincipled foes.

(Signed) ALLAN MAC LEAN, Speaker.

Commons house of assembly, August 5th, 1812.

A Proclamation.

FROM THE MONTREAL COURANT.

Province of Lower Canada, to wit;

By his excellency sir George Prevost, baronet, captain-general and governor-in-chief in and over the provinces of Upper and Lower Canada, New Brunswick, Nova Scotia, and the Islands of Prince Edward and Cape Breton, and their several dependencies, vice-admiral of the same, lieutenant-general and commander of all his majesty's forces in the provinces of Lower and Upper Canada, Nova Scotia and New-Brunswick, and in the Islands of Cape Breton, Newfoundland and the Bermudas, a *Proclamation.*

Whereas, certain subjects of the United States of America have been permitted, by regulations made on the 10th day of July last, to remain in this province without being required to bear arms against the said United States, but subject to leave the province whenever it should be deemed necessary. And whereas existing circumstances render it necessary that such persons should depart, I have therefore thought fit by and with the advice of his majesty's executive council, to issue this my proclamation, to order, enjoin and direct, and I do hereby order, enjoin and direct, all persons being subjects of the said United States, who have not been, or shall not be admitted to take the oath of allegiance to his majesty and bear arms, to depart from this province on or before the 15th day of October next. And all subjects of the United States who may be found in this province after the said period, without a certificate of having taken such oath before an officer duly qualified to administer the same, shall be treated as prisoners of war.

And all persons who shall depart this province as aforesaid may take with them all such moveable property as may be permitted by a committee of his majesty's executive council.

And I do also order and direct that no person whatever from and after the date hereof, shall go from this province into the territories of the U. States, unless under special licence to be granted by persons duly authorised by me for that purpose; and such licence will not be given but by my authority or by a committee of not less than three of the executive council, to whom the business for which such licence shall be applied for, shall have been previously stated.

Given under my hand and seal at arms, at the government house at Montreal, this 19th day of September, in the year of our Lord one thousand eight hundred and twelve, and in the fifty-second year of his majesty's reign.

GEORGE PREVOST.

By his excellency's command,

E. B. BRENTON, assistant secretary.

Modern Antiquities!

[The following "explanation of the devices on the *Continental bills of credit*—with conjectures of their meaning," copied from an old Almanac published in 1777, will be favorably received by the curious reader—who will also find in the article much wholesome doctrine for the present times.]

AN EXPLANATION of the DEVICES on the *Continental bills of credit*: with conjectures of their meaning.

An emblematic device, when rightly formed, is said to consist of two parts, a body and a mind, neither of which is complete or intelligible, without the aid of the other. The figure is called the body, the motto the mind. These that I am about to consider, appear formed on that rule, and seem to relate to the present struggle between the colonies and the parent state, for liberty, property, and safety, on the one hand; for absolute power and plunder on the other.

On one denomination of the bills, these is the figure of a harp, with this motto, MAJORA MINORIBUS CONSONANT: literally—"the greater and smaller ones sound together." As the harp is an instrument composed of great and small strings, included in a strong frame, and also so tuned as to agree in concord with each other, I conceive that the frame may be intended to represent our new government by a continental congress, and the strings of different lengths and substance, either the several colonies of different weight and force, or the various ranks of people in all of them, who are now united by that government in the most perfect harmony.

On another bill is impressed, a wild boar of the forest, rushing on the spear of the hunter, with this motto, AUT MORS AUT VITA DECORA; which may be translated—"death or liberty." The wild boar is an animal of great strength and courage, armed with long and sharp tusks, which he well knows how to use in his own defence. He is inoffensive while suffered to enjoy his freedom, but when roused and wounded by the hunter, often turns and makes him pay dearly for his temerity.

On another is drawn an eagle on the wing pouncing upon a crane, who turns upon his back and receives the eagle on the point of his long bill, which pierces the eagle's breast; with this motto, EXITUS IN DUBIO EST—"the event is uncertain." The eagle, I suppose, represents Great Britain, the crane America: this device offers an admonition to each of the contending parties. To the crane, not to depend too much upon the success of its endeavors to avoid the contest, (by petition, negociation, &c.) but to prepare for using the means God and nature hath given it; and to the eagle, not to presume on its superior strength, since a weaker bird may wound it mortally.

Sunt dubii eventus, incertaque prœlia martis:
Victus, haud raro, qui prope victor erat.

On another bill, we have a thorny bush, which a hand seems attempting to eradicate; the hand appears to bleed, as pricked by the spines. The motto is, SUBSTINE VEL ABSTINE; which may be rendered "bear with me, or let me alone;" or thus, "either support or leave me." The bush I suppose to mean America, and the bleeding hand Britain. Would to God that bleeding were stopt, the wounds of that hand healed, and its future operation directed by wisdom and equity; so shall the hawthorn flourish and form an hedge around it, annoying with her thorns only its invading enemies.

Another has the figure of a beaver, gnawing a large tree, with this motto, PERSEVERANDO—"by perseverance." I apprehend the great tree may be intended to represent the enormous power Britain has assumed over us and endeavors to enforce by arms, of taxing at pleasure, and binding us in all cases whatsoever, or the exorbitant profits she makes by monopolizing our commerce.——Then the beaver, which is known to be able, by assiduous and steady working, to fell large trees, may signify America; which, by perseverance in her present measures, will probably reduce that power within proper bounds, and, by establishing the most necessary manufactures among ourselves, abolish the British monopoly.

On another bill, we have the plant acanthus, sprouting on all sides, under a weight placed upon it, with the motto, DEPRESSA RESURGIT—"though oppressed it rises."——The ancients tell us, that the sight of such an accidental circumstance, gave the first hint to an architect in forming the beautiful capital of the Corinthian column. This, perhaps, was intended to encourage us, by representing that our present oppressions will not destroy us, but that they may, by increasing our industry, and forcing it into new courses, increase the prosperity of our country, and establish that prosperity on the base of liberty, and the well proportioned pillar of property, elevated for a pleasing spectacle to all connoisseurs, who can taste and delight in the architecture of human happiness.

The figure of a hand and flail, over sheaves of wheat, with the motto, TRIBULATIO DITAT—"threshing improves it;" (which we find printed on another of the bills) may perhaps be intended to admonish us, that though at present we are under the flail its blows, how hard soever, will be rather advantageous than hurtful to us; for they will bring forth every grain of genius and merit in arts, manufactures war and council, that are now concealed in the husk, and then the breath of a breeze will be sufficient to separate from us all the chaff, of toryism. Tribulation too, in our English sense of the word, improves the mind, it makes us humbler and tends to make us wiser. And threshing, in one of its senses, that of beating, often improves those that are threshed. Many an unwarlike nation have been beaten into heroes, by troublesome warlike neighbors; and the continuance of a war, though it lessen the numbers of a people, often increases its strength, by the increased discipline and consequent courage of the number remaining. Thus England, after her civil war, in which her people threshed one another, became more formidable to her neighbors. The public distress, too, that arises from war, by increasing frugality and industry, often gives habits that remain after the war is over, and thereby naturally enriches those on whom it has enforced, those enriching virtues.

Another of the bills has for its device, a storm descending from a black heavy cloud, with the motto, SERENABIT—"it will clear up." This seems designed to encourage the dejected, who may be too sensible of present inconveniences, and fear their continuance. It reminds them, agreeably to the adage, that after a storm comes a calm; or as Horace more elegantly has it—

Informes hyemes reducit, Jupiter; idem summovit,
Non si male nunc, et olim
Sic erit. Neque semper arcum tendit Apollo.

On another bill, there is stamped the representation of a tempestuous sea; a face with swollen cheeks, wrapt up in a black cloud, appearing to blow violently on the waters, the waves high, and all rolling one way. The motto, VI CONCITATÆ; which may be rendered—"raised by force." From the remotest antiquity, in figurative language, great waters have signified the people, and waves an insurrection. The people of themselves are supposed as naturally

inclined to be still, as the waters to remain level and quiet. Their rising here appears not to be from any internal cause, but from an external power, expressed by the head Eolus, god of the winds, (or Boreas, the North wind, as usually the most violent) acting furiously upon them. The black cloud perhaps, designs the British parliament, and the waves the colonies. Their rolling all in one direction, shews, that the very force used against them, has produced their unanimity. On the reverse of this bill, we have a smooth sea, the sails of ships on that sea hanging loose, shew a perfect calm; the sun shining fully, denotes a clear sky. The motto is CESSANTE VENTO CONQUIESCEMUS—"the wind ceasing, we shall be quiet." Supposing my explanation of the preceding device to be right, this will import, that when those violent acts of power, which have roused the colonies, are repealed, they will return to their former tranquility. Britain seems thus charged with being the sole cause of the present civil war, at the same time that the only mode of putting an end to it, is thus plainly pomted out to her.

The last is a wreath of laurel on a marble monument or altar: the motto, SI RECTE FACIES—"if you act rightly" This seems intended as an encouragement to a brave and steady conduct in defence of our liberties, as it promises to crown with honor, by the laurel wreath, those who persevere to the end in well-doing; and with a long duration of that honor, expressed by the monument of marble.

A learned friend of mine thinks this device more particularly addressed to the *Congress*. He says that the ancients composed for their heroes a wreath of laurel, oak and olive twigs interwoven; agreeably to the distich:

E lauro, quercu, atque olea, duce, digna corona.
Paudentem, fortem, pacificumque, decet.

Of laurel, as that tree was dedicated to Apollo, and understood to signify knowledge and prudence; of oak, as pertaining to Jupiter, and expressing fortitude; of olive, as the tree of Pallas, and as a symbol of peace. The whole to shew, that those who are entrusted to conduct the great affairs of mankind, should act prudently and firmly, retaining, above all, a pacific disposition. This wreath was first placed upon an altar, to admonish the hero who was to be crowned with it, that true glory is founded on, and proceeds from piety. My friend, therefore, thinks the present device might intend a wreath of that composite kind, though, from the smallness of the work, the engraver could not mark distinctly the differing leaves. And he is rather confirmed in his opinion that this is designed as an admonition to the Congress, when he considers the passage in Horace, from whence the motto is taken—

Rex eris, aium,
Si recte facies.

To which, also, Ausonius alludes—

Si recte faciet, non qui dominatur erit rex.

Not the king's parliament, who act wrong, but the people's congress, if it acts right, shall govern America.

Events of the War.

OFFICIAL ARTICLES.

CAPTAIN HENRY BRUSH.

CHILICOTHE, September 13, 1812.

Whereas, certain injurious reports to the character of captain Henry Brush, commanding a company of volunteers, raised for the purpose of escorting provisions to Detroit, having been circulated by some person or persons unknown. Therefore, at the special request of captain Brush, a court of enquiry is hereby ordered to be holden at the court-house in Chilicothe, on the 13th inst. between the hours of 8 o'clock, A. M. and 3 P. M. of said day; and that major Denny is appointed president and lieut. Douglass judge-advocate and recorder.

It is further ordered, that the court make report upon the testimony.

JOHN FERGUSON, *Col.*
Commanding 2d Brigade, 2d division, Ohio militia.

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Head-Quarters—Chilicothe, September 13, 1812.

The court met agreeably to the above order—present, major Denny, captain Turner, and lieut. Eichelberger.

Test,
R. DOUGLASS, J. Adv. & Rec.

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The object of the court being stated by the judge advocate and recorder, and the members of said court being first duly sworn, the following testimony was adduced, viz:

WM. CREIGHTON, jun. Esq. a private in captain Brush's company, sworn on behalf of capt. Brush—

Question by captain Brush—I wish you to relate what happened when captain Elliot, (the British officer) came to our camp at the river Raisin, with the flag of truce?

Witness.—On Monday, August 17, it was announced in camp that a British officer, with a small party and flag had appeared in sight: orders were given to stop him some distance from the garrison; it was immediately announced in camp to major Finley, the contractor's agent, that the officer with his party had halted about half a mile below the garrison. I understood it to be the intention of capt. Brush, to have an interview with him at that place; but on consultation, I understood that 'twas deemed improper to receive him at that distance from the garrison, as a large party, while the conference was holding, might make an attack upon the fort: captain Rowland, and I think a guard of 12 men, were then despatched to receive him, of which guard I was one myself. Captain Rowland was ordered to halt about half way between the garrison and Godfrey's, where the British officer then was, and a messenger was despatched telling him to advance—we were formed, waiting his approach. In a little time the officer approached, accompanied by two Canadians and one Indian; he immediately dismounted, and presented 3 papers to capt. Rowland. After looking over them in a few minutes, he (Rowland) exclaimed with great warmth and indignation—"treason! by G—d!" He then put the papers into my hands; on examining, I found one was a copy of the articles of capitulation for the surrender of Detroit, a letter from gen. Hull, to col. McArthur, also a pencil note without any name subscribed, but which captain Elliott (the officer) stated was given him by gen. Hull, directing him where to find col. McArthur, he not being in the fort at the time of the surrender. Capt. Rowland, in obedience to orders received from captain Brush, directed the officer to be blindfolded, which service I performed, and some others of the men blindfolded the Canadians and Indian. They were marched a short distance blindfold when it was communicated to capt. Rowland, I think by lieut. Larcell, that capt. Brush would have an interview with capt. Elliott at col. Anderson's: the bandages were then taken off, and they moved on a short distance, when orders were received to march them immediately to the garrison; they were blindfolded and marched to the garrison. When captain

Elliott had first came up, he took capt. Rowland for the commander of the garrison, but on discovering his mistake, he took back the papers, and on entering the garrison, presented them to capt. Brush;—capt. Brush, on inspecting them, pronounced them palpable forgeries, and told the officer he should detain him until he was further advised, and hold him responsible for the consequences: after some conversation between capt. Elliott and capt. Brush, Elliott was put under guard, himself in one block-house, and the Canadian and Indian in another. In the course of the afternoon soldiers were falling in, who were taken to the garrison and examined; an unwillingness to believe the report, prevailed in camp, until a number of soldiers arrived, known to some of our men. From the intelligence brought by those soldiers, both officers and men were reluctantly compelled to believe the report; and it was determined to call a council. Some short time after a council was called, composed of capt. Brush and subalterns, capt. Rowland and his lieut. col. Anderson, lieut. Davison and ensign De Lashmut. I was, from courtesy, invited by some of the officers to attend and hear them deliver their individual opinions; when they were met, and the subject of the meeting canvassed, captain Brush observed that the opinion of a majority of them should govern him in the course he should take. Col. Anderson being the oldest officer, gave it as his opinion that gen. Hull had no right to capitulate for our garrison: that we ought not to subscribe the capitulation; that to hold out and attempt to maintain the garrison by force would be madness, and we should be rendering the best services to the U. States by breaking up camp, and bearing away all the public property possible. The opinion of col. Anderson, was concurred in by the whole council, except capt. Rowland and his lieutenant, who were of opinion with the rest, that we were not bound by the capitulation, but dissented from the opinion as to breaking up camp. The subject of destroying the public stores which we could not possibly bear off with us, was also canvassed in council: it was decided that it would be improper to destroy the public stores, as there were a number of American families who had taken refuge in the fort, and some soldiers who were too sick to be removed, were to be left behind; and also considering that our brethren soldiers were still in the power of the enemy at Detroit, it was urged under those considerations that such destruction might induce the enemy to deal more rigid with them. The council was dissolved, and orders were given for breaking up camp and retreating, which was accordingly done, on the 17th, at 11 P. M.

Many non-commissioned officers in captain Brush's company sworn.—Testimony, in substance, same as that of the preceding witness.

REPORT.

The court of enquiry called at the request of captain Brush, after hearing the testimony addressed, are of opinion, and report upon the same, that during said campaign captain Brush behaved, in all things, as became a prudent and brave officer—that reports derogatory to his character as an officer and soldier, could have arisen only from the want of a knowledge of his situation, and that no imputation whatever ought to rest upon captain Brush.

JAMES DENNY, *President.*
R. DOUGLASS, *J. Adv. & Rec'r.*

The court of Enquiry, of which major Denny is president, is hereby dissolved.

JOHN FERGUSON, *Col.*
Commanding 2d Brigade, 2d division Ohio militia.

FORT HARRISON.

Letter from Captain Z. Taylor, commanding Fort Harrison, Indiana territory, to general Harrison.

FORT HARRISON, Sept. 10.

Dear Sir—On Thursday evening the 3d instant, after retreat beating, four guns were heard to fire in the direction where two young men, (citizens who resided here) were making hay, about 400 yards distance from the fort. I was immediately impressed with an idea that they were killed by the Indians, as the Miamies or Weas had that day informed me that the Prophet's party would soon be here for the purpose of commencing hostilities; and that they had been directed to leave this place, which we were about to do. I did dot think it prudent to send out at that late hour of the night to see what had become of them; and their not coming in convinced me that I was right in my conjecture. I waited until eight o'clock next morning, when I sent out a corporal with a small party to find them, if it could be done without running two much risk of being drawn into an ambuscade. He soon sent back to inform me, that he had found them both killed, and wished to know my further orders; I sent the cart and oxen, had them brought in and buried; they had been shot with two balls, scalped and cut in the most shocking manner. Late in the evening of the 4th inst. old Joseph Lenar and between 30 and 40 Indians arrived from the Prophets Town, with a white flag; among whom were about ten women, and the men were composed of chiefs of the different tribes that compose the Prophet's party. A Shawanoe man, that spoke good English, informed me that old Lenar intended to speak to me next morning, and try to get something to eat. At retreat beating I examined the men's arms, and found them all in good order, and completed their cartridges to 16 rounds per man. As I had not been able to mount a guard of more than six privates and two non-commissioned officers, for some time past, and sometimes part of them every other day, from the unhealthiness of the company; I had not conceived my force adequate to the defence of this post, should it be vigorously attacked, for some time past. As I had just recovered from a very severe attack of the fever, I was not able to be up much through the night. After tatoo, I cautioned the guard to be vigilant, and ordered one of the non-commissioned officers, as the centinels could not see every part of the garrison, to walk around on the inside during the whole night, to prevent the Indians taking any advantage of us, provided they had any intention of attacking us. About 11 o'clock I was awakened by the firing of one of the centinels; I sprung up, ran out, and ordered the men to their posts; when my orderly sergeant (who had charge of the upper block-house) called out that the Indians had fired the lower block-house (which contained the property of the contractor, which was deposited in the lower part, the upper having been assigned to a corporal and ten privates, as an alarm post). The guns had began to fire pretty smartly from both sides. I directed the buckets to be got ready and water brought from the well, and the fire extinguished immediately, as it was perceivable at that time; but from debility or some other cause, the men were very slow in executing my orders—the word fire appeared to throw the whole of them into confusion; and by the time they had got the water and broken open the door, the fire had unfortunately communicated to a quantity of whiskey (the STOCK having LICKED several holes through the lower part of the building, after the salt that was stored there, through which they had introduced the fire without being discovered, as the night was very dark) and in spite of every exertion we could make use of, in less than

a moment it ascended to the roof and baffled every effort we could make to extinguish it. As that blockhouse adjoined the barracks that make part of the fortifications most of the men immediately gave themselves up for lost, and I had the greatest difficulty in getting my orders executed—and, sir, what from the raging of the fire—the yelling and howling of several hundred Indians—the cries of 9 women and children (a part soldiers' and a part citizens' wives, who had taken shelter in the fort)—and the despending of so many of the men, which was worse than all—I can assure you that my feelings were very unpleasant—and indeed there were not more than ten or fifteen men able to do a great deal, the others being either sick or convalescent—and to add to our other misfortunes, two of the stoutest men in the fort, and that I had every confidence in, jumped the picket, and left us. But my presence of mind did not for a moment forsake me. I saw, by throwing off part of the roof that joined the block-house that was on fire, and keeping the end perfectly wet, the whole row of buildings might be saved, and leave only an entrance of 18 or 20 feet for the Indians to enter after the house was consumed; and that a temporary breast work might be erected to prevent their even entering there—I convinced the men that this could be accomplished and it appeared to inspire them with new life, and never did men act with more firmness or desperation. Those that were able (while the others kept up a constant fire from the other block-house and the two bastions) mounted the roofs of the houses, with Dr. Clark at their head (who acted with the greatest firmness and presence of mind the whole time the attack lasted, which was 7 hours), under a shower of bullets, and in less than a moment threw off as much of the roof as was necessary. This was done only with the loss of one man and two wounded, and I am in hopes neither of them dangerous—the man that was killed was a little deranged, and did not get off of the house as soon as directed, or he would not have been hurt—and although the barracks were several times in a blaze, and an immense quantity of fire against them, the men used such exertion that they kept it under and before day raised a temporary breast-work as high as a man's head, although the Indians continued to pour in a heavy fire of ball and an innumerable quantity of arrows during the whole time the attack lasted, in every part of the parade. I had but one other man killed, nor any other wounded inside the fort, and he lost his life by being too anxious—he got into one of the *gallies* in the bastions, and fired over the pickets, and called out to his comrades that he had killed an Indian, and neglecting to stoop down in an instant he was shot dead. One of the men that jumped the pickets, returned an hour before day, and running up towards the gate, begged for God's sake for it to be opened. I suspected it to be a stratagem of the Indians to get in, as I did not recollect the voice—I directed the men in the bastion, where I happened to be, to shoot him let him be who he would, and one of them fired at him, but fortunately he ran up to the other bastion, where they knew his voice, and Dr. Clark directed him to lie down close to the pickets behind an empty barrel that happened to be there, and at day light I had him let in. His arm was broke in a most shocking manner; which he says was done by the Indians—which I suppose was the cause of his returning—I think it probable that he will not recover. The other, they caught about 130 yards from the garrison, and cut him all to pieces. After keeping up a constant fire until about six o'clock the next morning, which we began to return with some effect after day light, they removed out of the reach of our guns. A party of them drove up the horses that belonged to the citizens here, and as they could not catch them very readily, shot the whole of them in our sight, as well as a number of their hogs. They drove off the whole of the cattle, which amounted to 65 head, as well as the public oxen. I had the vacancy filled up before night, (which was made by the burning of the block-house) with a strong row of pickets, which I got by pulling down the guard-house. We lost the whole of our provisions, but must make out to live upon green corn until we can get a supply, which I am in hopes will not be long. I believe the whole of the Miamies or Weas were among the Prophet's party, as one chief gave his orders in that language, which resembled Stone Eater's voice, and I believe Negro Legs was there likewise. A Frenchman here understands their different languages, and several of the Miamies or Weas, that have been frequently here, were recognized by the Frenchman and soldiers, next morning. The Indians suffered smartly, but were so numerous as to take off all that were shot. They continued with us until the next morning, but made no further attempt on the fort, nor have we seen any thing more of them since. I have delayed informing you of my situation, as I did not like to weaken the garrison, and I looked for some person from Vincennes, and none of my men were acquainted with the woods, and therefore I would either have to take the road or river, which I was fearful was guarded by small parties of Indians that would not dare attack a company of rangers that was on a scout; but being disappointed, I have at length determined to send a couple of my men by water, and am in hopes they will arrive safe. I think it would be best to send the provisions under a pretty strong escort, as the Indians may attempt to prevent their coming. If you carry on an expedition against the Prophet this fall, you ought to be well provided with every thing, as you may calculate on having every inch of ground disputed between this and there that they can defend with advantage.

Wishing, &c.

(Signed) Z. TAYLOR.

His excellency Gov. HARRISON.

—

FORT HARRISON, Sept. 13, 1812.

Dear Sir—I wrote you on the 10th instant, giving you an account of the attack on this place, as well as my situation, which account I attempted to send by water, but the two men whom I dispatched in a canoe after night, found the river so well guarded, that they were obliged to return. The Indians had built a fire on the bank of the river, a short distance below the garrison, which gave them an opportunity of seeing any craft that might atfempt to pass, and were waiting with a canoe ready to intercept it. I expect the fort, as well as the road to Vincennes, is as well or better watched than the river. But my situation compels me to make one other attempt by land, and my orderly sergeant, with one other man, sets out to night with strict orders to avoid the road in the day time, and depend entirely on the woods, although neither of them have ever been in Vincennes by land, nor do they know any thing of the country, but I am in hopes they will reach you in safety. I send them with great reluctance from their ignorance of the woods. I think it very probable there is a large party of Indians waylaying the road between this and Vincennes, likely about the Narrows, for the purpose of intercepting any party that may be coming to this place, as the cattle they got here will supply them plentifully with provisions for some time to come. Please, &c. &c.

(Signed) Z. TAYLOR.

His excellency Gov. HARRISON.

EXCHANGE OF PRISONERS.

Copy of a letter from admiral sir J. T. Duckworth, commanding his Britannic majesty's naval forces at Newfoundland, to D. Porter, esq. commanding the U. S. frigate Essex.

St. Johns, Newfoundland, Aug. 5, 1812

Sir—Your letter of the 2d inst. was delivered to me yesterday by Mr. M'Knight, midshipman of the U. States frigate Essex, under your command.

I am sensible of the good disposition you have evinced to alleviate the distresses of war, and would gladly have embraced your proposal for an exchange of the prisoners that we have respectively made; but I am sorry to say that at the present moment and under the peculiar circumstances of the case, it is not in my power to do so.

In the first place, I have not yet received those instructions from my government which I considered necessary for the guidance of my conduct in respect to any such arrangement; and in the next, the officer whom you charged with the British prisoners has only delivered to me a list of their names, without producing any of their persons, acquainting me that they had taken the vessel from him, and put into another port of this island.

I can only therefore assure you that I shall report the matter fully to his majesty's government, transmitting a copy of your letter, and of the list of British prisoners by which it is accompanied.

I have had the pleasure of forwarding to Halifax the young gentleman whom you sent to me; an opportunity having already occurred—And I have written to the commander in chief on that station, requesting that he will endeavor to provide the means of his conveyance to the United States.

I have the honor to be, sir,

Your most obedient humble servant,

(Signed) J. T. DUCKWORTH.

To Captain Porter,
Commandant of the United States frigate the Essex.

Extract of a letter from Admiral sir J. T. Duckworth. To the honorable secretary of the navy of the United States dated,

"St. Johns, Newfoundland, August 31.

"A vessel captured, as the Alert has been, could not have been vested with the character of a cartel, until she had entered a port of the nation by which she had been captured and been regularly fitted out from thence. For every prize might otherwise be provided with a flag of truce, and proposals for an exchange of prisoners; and rendered thus effectually secure against the possibility of re-capture; while the cruizing ship would be enabled to keep at sea with an undiminished crew; the cartels being always navigable by the prisoners of war.

"Nevertheless, I am willing to give proof at once of my respect for the liberality with which the captain of the Essex has acted, in more than one instance towards the British subjects who have fallen into his hands; of the sacred obligation that is always felt, to fulfil the engagements of a British officer; and of my confidence in the disposition of his royal highness the prince regent, to allay the violence of war by encouraging a reciprocation of that courtesy by which its pressure upon individuals may be so essentially diminished.

"On the 4th of this month, a midshipman of the Essex arrived, and presented to me a letter from his captain, proposing an exchange for 86 British prisoners. The midshipman had however been placed alone in the charge of one of the captured vessels, with 86 prisoners, to conduct them to this port. A list of 40 prisoners of the same description, disposed of in the same manner, has been sent to me by the commander of the American private armed schr. the Rossie.

"It is incumbent upon me to protest in the strongest manner against the practice of conducting exchanges upon terms like these; and to signify to you that it will be utterly impossible for me to incur, in future, the responsibility of assenting to them."

MICHIGAN TERRITORY.

Regulations of the civil government of the territory of Michigan.

Whereas the territory of Michigan was, on the sixteenth day of August, one thousand eight hundred and twelve, ceded by capitulation to the arms of his Britannic majesty; and the American flag removed and the British flag substituted on the same day at noon; and whereas on the same day a proclamation was issued by Isaac Brock, Esq. major-general, commanding his majesty's forces in the province of Upper Canada, &c. &. &c. And the said proclamation among other things, announces to all the inhabitants of the said territory, that "wishing to give an early proof of the moderation and justice of the British government, the American laws heretofore in existence shall continue in force until his majesty's pleasure be known, or so long as the peace and safety of the said territory will admit thereof." And whereas the said laws cannot be carried into execution according to the effect and intention so announced to the inhabitants without providing for the existence and continuance of the proper civil officers, for the execution of the same, and without the necessary courts and other judicial authorities for the administration of justice amongst the said inhabitants. Now therefore be it known, that I the undersigned Henry Proctor, colonel in the military forces of his Britannic majesty, now commanding in the territory of Michigan, do make and establish, for the time being, the following regulations for the civil administration of the said territory:

1st. The civil officers, remaining in the country, shall continue to exercise the respective functions appertaining to their offices, without any new commissions for the same, and those offices which are suspended by the departure from the country of those holding them, shall be supplied as herein after provided.

2d. The civil executive powers shall be exercised by a civil governor. The civil governor shall appoint to all civil offices, which are or shall be vacant, and shall take care that the laws be faithfully executed.

3d. Courts of justice shall be held as usual.

4th. Legislative provisions need not be adopted from the laws of any of the American states. A majority shall not be necessary when any of the offices are vacant. The secretary shall make two copies of all executive proceeding and legislative regulations, one of which shall be transmitted for the use of the British government, and the other be retained.

5th. The expenses of the civil administration shall be defrayed quarterly by the proper officer in the military department, paying the lawful amount thereof to the civil treasurer. The duties, customs revenues accruing according to the laws of the United States, shall be paid quarterly by the collectors to the proper officer in the military department.—The internal duties and revenues accruing to the territory of Michigan, shall be paid to the proper treasurers thereof.

6th. The undersigned will act as civil governor of the territory of Michigan for the time being. Augustus B. Woodward, chief justice of the said territory, is appointed secretary. The offices of register and receiver of the land office, and post master are

superceded, reserving a full right to adjust all anterior concerns. All officers in the Indian department are superceded.

Given under my hand at Detroit, the 21st day of August, one thousand eight hundred and twelve, and in the fifty-second year of his majesty's reign.

(Signed) HENRY PROCTOR, Col.

STORES AT DETROIT.

The following statement (says the *National Intelligencer*) was given by a captain in the 4th regiment, to a brother officer, by whom we have been favored with a perusal of it. It is said to have been obtained from the quarter-master of that army:

Memorandum of the arms, ammunition, &c. in Detroit, 16th August, 1812, the day of the surrender of that place to the British forces, by brigadier general William Hull.

2600 muskets and accoutrements stacked on the esplanade.

450 muskets and accoutrements brought in after the surrender, by colonels M'Arthur and Cass, stacked on the esplanade.

700 muskets in the hands of the militia of the Michigan territory, brought in and stacked on the esplanade.

N. B. The number in the arsenal not known.

9 24 pounders mounted.

27 iron and brass pieces from 12 to 3 pounders, 4 or 5 of which not mounted.

2 howitzers.

1 mortar.

480 rounds of fixed ammunition for the 24 pounders.

500 rounds of fixed ammunition for the 6 pounders.

—— for the other ordnance not ascertained.

200 cartridges of grape shot for the 6 pounders.

200 tons of cannon ball of different sizes.

The shells prepared and fixed, not ascertained, but the number was considerable.

60 barrels gun powder.

75,000 musket cartridges made up.

24 rounds of cartridges in possession of each man.

150 tons of lead.

25 days' provisions on hand, besides 120 pack-horse loads of flour, and 400 head of cattle, at the river Raisin, under the escort of capt. Brush and 300 men from Chilicothe. The river Raisin is 36 miles from Detroit. And under the same escort 120 bbls. of flour.

2600 men under arms in Detroit, besides the detachment of 450 men under cols. M'Arthur and Cass, who had been sent to meet capt. Brush at the river Raisin, but for want of provisions had returned on the 15th, and encamped that night within six miles of Detroit.

MILITARY.

It is asserted that the state of Kentucky has nearly 15,000 of her citizens under arms. Thousands of them have marched without regular commissions, neither expecting or caring for remuneration from government.

The citizens of *Louisiana* are organizing themselves and volunteering their services.

Our last accounts from the Missouri territory, state that fort Madison was besieged by the *British* allies, 400 strong.

Many companies of volunteers are organizing in Virginia, destined for *Canada*. Among them are many of the most respectable young men of the country as privates.

Colonel Russell, with 1500 men, left Vincennes on the 22nd ult. to attack or disperse the Indians; but his first object was to relieve fort Harrison, as mentioned in our last.

The requisition of 1500 men from Virginia, destined to join Gen. Harrison, rendezvoused at Point Pleasant the latter end of last month.

Every day is adding to the strength of our forces on the frontiers.

A *regiment* of volunteer artillery is raising in Ulster county, New-York, under the act of Congress, authorising the president to accept 50,000 men.

Several companies have also been formed in Connecticut, under the United States' law; and exertions are making by the *state* to organize a body of troops.

Extract of a letter from Albany, dated Setember 23d.

"Since the disastrous and disgraceful surrender of Detroit, all seems to be activity at this place. Yesterday a sloop arrived here from New-York with 112 volunteer seamen, for Lake Ontario, with eight 24 pounders and six 32's with shot, &c. which proceeded onward immediately. 300 more seamen are daily expected from the same place, part of them the crew of the John Adams, now condemned for a prison ship. About a week since, 120 ship carpenters proceeded through this city for the lakes, for the purpose of building ships, brigs, gun boats, &c.

I cannot conclude without stating what is reported here to be the force at Plattsburg, the rendezvous of general Bloomfield, viz. 7000 regular troops; I saw myself more than 4000 pass through this and Troy, with Ransellaer's two regiments—and there are 6000 militia under Harrison.

UTICA, (N. Y.) September 29.

From Cape Vincent.—In the night of the 20th inst. captain Forsyth, with 70 of his rifle company and 34 militia men, embarked on board a number of boats, at Cape Vincent, and went over to a small village called Gananoque, in the town of Leeds, for the purpose of destroying the king's store-house at that place. They landed, unobserved, a short distance from the village, a little before sunrise on the morning of the 21st, but were soon after discovered and fired upon by a party of the British, consisting of about 125 regulars and militia. The Americans returned the fire with so much effect, that the British retreated in disorder, and were pursued to the village, where they again rallied, but soon finding the contest too warm for them, they fled over a bridge and made their escape, leaving behind ten of their number killed (besides several who were seen to fall into the stream as they were fired upon when passing the bridge) and 8 regulars and a number of militia prisoners. Captain Forsyth had only one man killed and one slightly wounded.——The number of wounded on the part of the enemy, was not ascertained. The militia prisoners were discharged on parole. Captain Forsyth and his party, with 8 prisoners, about 60 stands of arms, two barrels of fixed ammunition, one barrel of powder, one barrel of flints and some other articles of public property, which they had taken from the enemy, then returned to Cape Vincent; not, however, till they had set fire to his majesty's store-house, which was consumed, together with a quantity of flour and pork.

Canandaigua, September 29.

THE WAR. The military movements in this quartea of the state, begin to appear respectable and energetic, and indicate that something is to be undertaken in good earnest. Within the last few days the following forces have passed through this village for the Niagara frontier.

Col. Mead's regiment of militia, from Chenango, Tioga, and Broom counties—about 500 men.

Col. Stanchan's regiment from Otsego, 500 militia.

Col. Milton, (from Virginia) with a regiment of United States troops, about 400.

A body of flying-artillery, 140 men, with four pieces of cannon, ammunition waggons, &c.

Two companies artillery.

Capt. Ireland's rifle corps from Seneca county.

Another regiment United States troops, the 13th, left Greenbush on the 18th inst. and may be expected along here in a few days.

Besides the above, several detachments are moving from this country; among them, captain Hart's Artillery company, of this town; major Granger's battalion of riflemen, and three troops of horse

Capt. Hill's company of light infantry, of Bristol, marched yesterday, completely armed and equipt.

The above forces were accompanied with trains of waggons, loaded with tents, camp equippage, &c.

From what we can learn, there will in a short time be a force of 8 or 10,000 men on the Niagara.

Similar movements are making towards Plattsburg, with a view, probably, to make a descent near Montreal, in concert with that preparing at Niagara.—Such is our conjecture. *Repos.*

NAVAL.

The Comet of Baltimore, returned home during the present week, her cruize being out, with about 90 prisoners on board. She has captured several valuable vessels, and has not been chased during her cruise.

A British frigate and sloop of war were off the Balize at anchor, the beginning of last month.

The brave Lt. *Morris* of the Constitution frigate has been appointed a captain in the navy of the United States.

The privateers General Armstrong, of 19 guns and 159 men and Jack's Favorite, 5 heavy guns and 82 men, have sailed from New-York. The large and elegant schooner Revenge heavily armed and strongly manned, with the privateers Joseph & Mary and Liberty, and the High Flyer, on her second cruise, have also sailed from Baltimore. Many powerful vessels are at sea and fitting for sea from the eastern ports.

The privateer Shadow, said to have been lost, was spoken a short time since, all well.

A letter from Wiscasset, dated Sept. 21, says, "we have a fine twenty-two gun brig lately built here, which is to sail for Boston on the 25th, when you will have a chance of viewing a piece of beautiful workmanship. We this day raised a 32 gun ship upon the same model, which is to be off in 60 days, as was the former in 58."

American Prizes.

(WEEKLY LIST,—CONTINUED FROM PAGE 60.)

191. Brig Hannah, from Oporto for Quebec, with rum and fruit, sent into Salem by the Montgomery privateer.

192. Schooner Mary, from Lisbon for Halifax, with some specie, sent into ditto by ditto.

193. Brig ———, sent into Castine, by the Dart privateer.

194. Brig Pomona, 2 guns, captured by the Decatur, and sent to Halifax as a cartel with prisoners.

195. Brig Devonshire, laden with fish, captured by ditto, and sent to France to sell her cargo.

196. Brig Concord, captured by ditto, and burnt.

197. Brig Hope, by ditto, and sent to Halifax with prisoners, as above.

☞ The Decatur has returned to port after a cruise of 47 days, during which she captured eleven vessels, several of them very large and valuable, which shall be duly entered as they arrive.

198. Schooner Minorca, from Jamaica for Cuba, sent into Savannah by the Wasp of Baltimore.

199. Barque William and Charlotte, sent into Boston by the Decatur privateer.

200. Ship Mariana, from St. Croix for London, 600 tons, laden with sugar, &c. found deserted at sea by the Governor M'Kean of Philadelphia, and towed into Norfolk.

201. Brig ———, laden with salt, sent into Portland by the Teazer privateer.

202. Brig ——, captured by a *whale-boat* privateer, and *brought* into Portland—the *vessel of war*, being carried to port on the deck of the prize!

203. Brig Isabella, 205 tons, 1 year old, laden with crockery ware, iron, &c. sent into Portland by the Teazer.

204. Ship ——, laden with timber, bound for England, sent into Marblehead by the Decatur privateer.

205. Brig Diana, from London, sent into Portland, by the Dart privateer.

206, 207, 208, three vessels captured by the Dolphin of Baltimore, and burnt.

U. States Army—general officers.

Major-Generals.—Henry Dearborn, Tho's Pinckney.

Brigadier-Generals.—Jas. Wilkinson, Wade Hampton, James Winchester, Joseph Bloomfield, William Hull, Tho's Flournoy, John Armstrong, John Chandler, Wm. H. Harrison, John P. Boyd.

Quarter-master-general—Morgan Lewis.

Adjutant-general—Thomas Cushing.

Inspector-general—Alexander Smyth.

United States Navy.

Appointments in the Navy of the United States, confirmed by the Senate, during the last session of Congress:

John H. Dent, senior master commandant, to be captain in the navy, vice Samuel Nicholson, deceaced.

David Porter, John Cassin, and Samuel Evans, now masters commandant, to be captains in the navy of the U. States.

G. W. Reed, now a lieutenant, to be a master commandant in the navy.

James Wilson, John B. Nicholson, B. V. Hoffman, William Peters, George Budd, Thomas A. C. Jones, John M. Funk, Joseph S. Macpherson, John Porter, John T. Shubrick, now acting lieutenants, to be lieutenants in the navy.

To be Pursers in the navy, under the new regulations respecting that office.

John B. Timberlake, Richard C. Archer, Isaac Garretson, Gwynn Harris, Samuel Hambleton, Clement S. Hunt, J. R. Wilson, Samuel Robertson, Thomas I. Chew, John R. Green, Robert C. Ludlow, Nathaniel Lyde, Thomas Shields, Robert Pottinger, John H. Carr, Samuel Maffit, Lewis Deblois, Alexander F. Darragh, Edwin W. Turner, Henry Dennison, Ludlow Dashwood, George S. Wise, F. A. Thornton, Humphrey Magrath, Edward Fitzgerald, Robert Ormsby, Edwin T. Satterwhite, James M. Halsey.

To be Navy Agents.—At New Castle, James Riddle—in Tennessee, William Helms.

Corps of Marines.—Richard Smith, now senior lieutenant in the corps of marines, to be a captain in the same, vice captain H. Caldwell, deceased.

Robert Moosely, James Brown, Charles S. Hanna, Alexander Sevier, Alfred Grayson, William Strong

John Urquhart, John Heath and Samuel Bacon, now second lieutenants in the corps of the marines, to be first lieutenants.

Roads from Detroit to Chilicothe.

From Detroit to	MILES.	
Red River	3	3
Brownston	15	18
Huron River	3	21
Osing River	6	27
Stoney Creek	4	31
Sandy Creek	2	33
Raisin River	3	36
Pleasant Town	3	39
Beaver Creek	3	42
La Bay Town	6	48
Rapids of the Maumee	24	72
Carron River	30	102
Blanche's Fork	15	117
Fort Necessity	16	133
Fort McArthur	16.	149
Solomon Town	15	164
Manary's Block-house	5	169
Gun's Tavern	5	174
Mad River	7	181
King Creek	5	186
Urbana	3	139
Buck Creek	9	198
Deer Creek	7	205
New London	6	211
Sugar Creek	10	221
Old Town	6	227
Timmon's Tavern	7	234
Kirkpatrick's do.	12	246
Chilicothe	9	255

Miscellaneous Articles.

EFFECTS OF THE PRESBURG TREATY,

Relative strength of the sovereigns affected by it, and former and actual state of those powers: abstracted from the most eminent and authentic German journals.

AUSTRIA.

	Before.	*Loss.*	*Gain.*	*Actual state.*
Extent	12,188 square miles.	1,258 1-2	194	11,204
Population	25,581,194 souls.	2,651,194	216,000	23,146,000
Revenue	118,886,000 florins.	20,080,000	1,200,000	100,000,000

BISHOP OF SALZBURG.

Extent	222 sq. m.		86 1-2	86 1-2
Population	200,000 souls.		266,331	266,331
Revenue	2,000,000 florins.		2,500,000	2,500,000

THE ARCHDUKE FERDINAND.

Extent	54 square miles.
Population	167,000 souls.
Revenue	500,000 florins.

BAVARIA.

Extent	1,138 square miles.	133	683 3-4	1,689
Population	2,406,363 souls.	545,000	1,226,000	3,087,463
Revenue	12,399,080 florins.	3,173,580	7,136,000	16,361,500

WIRTEMBERG.

Extent	185 1-2 square miles.		65	250 1-2
Population	771,446 souls.		185,600	957,040
Revenue	6,000,000 florins.		756,000	6,756,000

BADEN.

Extent	147 square miles.		60 1-2	197 1-2
Population	440,000 souls.		186,118	626,118
Revenue	5,000,000 florins.		600,000	5,600,000

CHARACTER OF THE SPANIARDS, from Bishop Burnets *History of his own* Times, 1677.—The late king told me in these campaigns, the Spaniards were both so ignorant and so backward, so proud and yet so weak, that they would never own their feebleness, or their wants to him. They pretended they had stores when they had none, and thousands when they scarcely had hundreds. He had in their councils often desired, that they would give him only a true state of their garrisons and magazines. But they always gave it false—so that for some campaigns all was lost, merely because they deceived him in the strength they pretended they had. At last he believed nothing they said, but sent his own officers to examine every thing.

LEYDEN.—The following advertisement, from a London newspaper is too late for any of our typographical virtuosi; but as an article of curiosity, it is worthy of preservation.—To be sold by public auction, on the 29th April (1809) by Hoak, bookseller at Leyden, a curious and genuine specimen of the labors of Laurens Jansz, commonly called Laurens Coster; the original inventor of the art of printing. This valuable piece of antiquity consists of a wooden printing form, in a very excellent state of preservation; it is about three inches long, two inches broad, and three-fourths of an inch thick, upon which an entire page of a Latin *Horarium*, has been cut in inverted characters, and of which two impressions have been added as a specimen. Also, a geneological table, written upon very old parchment, but perfectly legible, of the progeny of Laurens, by whom it seems, this document has been preserved since the 15th century, and handed down to each succeeding generation. This genealogy commences with the daughter of Laurens Coster, who published the first printed impression in the year 1441, and closes with her descendants, about the year 1585.

RUSSIA. *Recent state of Russian commerce.*—From a very interesting work written by Count Romanzou, entitled "State of the commerce of the Russian empire from 1802 to 1808," we learn that, in the year 1803, the value of foreign commodities imported into Russia, amounted to 55 millions of roubles, and the export to 67 millions of roubles; the duties amounted to 111,000 roubles more than in the preceding year. In 1804, owing to the difficulties of commercial speculations, the imports were *minus* 6 millions of roubles; although, even then, the balance in favor of Russia amounted to 9,517,440 roubles; but in 1803 it amounted to 21,590,958 roubles. In 1805, notwithstanding the almost total stagnation of trade, the imports amounted to 6 millions of roubles, and the exports to 13½ millions of roubles, more than in 1804. The balance in favor of Russia, was 25 1-2 millions of roubles. The exports of corn, amounting to more than 20 millions of roubles, exceeded those of the preceding year by 12 millions of roubles. The number of ships arrived at and departed from Russian ports stood as follow:

	Arrived.	*Sailed.*
In 1802	3,739	3,622
1803	4,135	4,157
1804	3,478	3,471
1805	5,332	5,085

By far the greater part of them English. In 1808 the number of ships trading to Russia was—

Arrived . . 996. Sailed . . 926.

Count Schremetiew, the richest subject in Russia, who died not long ago, in the 59th year of his age, left property to the value of 2 millions sterling. His annual revenue was about £200,000. His only son is an infirm boy, of about six years of age.

MAROONS. Dallas, in his history of the Maroons, II 224, relates a diverting instance of the efficacy of a sermon upon a negro congregation. "Once coming out of church, a gentleman who had attended the service, asked one of the captains (of the Maroons, when in Nova Scotia) shivering with cold, if he knew what the clergyman had said? "Me sabe?" or "how should I know?" was the answer. He had been smoking his pipe with some while others were asleep. The gentleman repeating his question to * * * * * * the chief, the old man wishing not to appear ignorant, replied that he knew very well. *Massa parson say, no mus tief, no mus meddle with sumbody wife, no mus quarrel, mus set down sofly.* This he conceived must be implied in so long a talk; but the whole tendency of the sermon was to convince the Maroons that they were happy, and to excite their gratitude to the people of Jamaica for sending them to Nova

Scotia; and it contained panegyrics on the prince, the commissary-general, and the governor, their best friend."

War.—When Christina, queen of Sweden, was on her journey to Rome, she visited the French academy, and desired them to proceed in the allotted business of the evening, that she might enjoy their conversation. It proved to be the revision of certain articles of their Dictionary of the French language. The phrase under discussion was, "war is the game of kings." The president apologized for the subject as being merely accidental, and intending no reflection on crowned heads. The queen only laughed, and expressed sentiments which have been happily conveyed by Cowper;

War is a game, which were their subjects wise,
Kings should not play at—

Sour wine recovered by charcoal.—In France a Mr. Creve has discovered a method of recovering sour wine. For this purpose he employs powdered charcoal. The inhabitants of the banks of the Rhine have bestowed on him a medal, as a reward.

New machine for making paper.—It is reported from the society of Agriculture and Commerce of Caen, that M. M. Gabriel Desétable has lately presented to them specimens of a manufacture of paper from straw, by means of an instrument so simple in its construction that any person who pleases may make paper equal to the most practical workman. This scheme of strawpaper has not justified expectation in England; but under a machine of new powers, it may possibly, at least become more tractable.

The Chronicle.

The loss at New-Orleans, by the late tremendous storm, is estimated at six millions of dollars.

Sir John B. Warren is said to have full powers to negociate a peace, for which purpose it is further stated, he will speedily repair to Washington.

We notice many valuable arrivals at the several ports of the United States, and are thankful that nine-tenths of the property of our merchants is, or *ought* to be at home. The "ought," applies to those who have lately risqued it to Spain and Portugal—this trade, however, is prosecuted with increased vigor; flour and grain have risen to an exorbitant price, the former being 11$ per barrel. Britain "wants flour and must have it." They will supply us with goods—we will supply them with bread, and so the war will jog on peaceably enough! A current idea, however, prevails that one of the first acts of congress will be to check this trade.

The British government have given orders to their cruizers, not to detain American vessels with licences, and to release those which may have been detained. They have also agreed to grant licences for 8 months to *permit* vessels from the United States to proceed to Cadiz and Lisbon with provisions.

There has been a riot at Sheffield on account of the high price of flour, which has been selling at 9*s*. per stone—nearly 14 *cents per lb*. Lord Milton made a speech to the people, urging patience, and they stoned his lordship for his pains.

Extract of a letter from a gentleman of Boston, dated Gibraltar, August 5. "Yesterday arrived in the bay, in the ship Alleghany, col. Lear, his family, and all the Americans from Algiers, driven away by the Dey. Instant war was expected to be declared. On the 13th July, a squadron of Algerine cruizers, consisting of 5 frigates, 3 corvettes, 2 brigs, 1 zebec, 1 schooner, several row gallies and gun boats, sailed from Algiers to the eastward; and col. Lear informs me, there is some reason to apprehend they had orders to capture American vessels. No vessels under the Algerine flag have passed through these straits to the westward; therefore, at present there is no danger. We can always know when they do pass from the English men-of-war, stationed in the gut."

Maryland election.—The political aspect of the state of Maryland has been completely changed by the election held on Monday last. Various causes are assigned as producing this effect; the chief of which, probably was, the existing diversity of sentiment, in some of the counties (always nearly balanced) as to the presidency of the United States.

The house of delegates consists of 80 members. Cecil, Talbot, Caroline, Dorcester, Worcester, Somerset, Alleghany, Frederick, Prince-George's, Montgomery, Calvert, Charles and St. Marys, have returned 4 federal members, and Kent and Anne-Arundel two, each, making, in the whole, 56 federalists.

Harford, Baltimore, Washington and Queen-Anns have returned 4 democratic members, and Kent and Anne Arundle, with the cities of Baltimore and Annapolis, two members each, in all 24 democrats.—Federal majority 32.

The senate consists of 15 members, all democrats—in joint ballot, therefore, to elect a governor and council, with a senator of the United States, to serve after the 4th of March next, in place of Mr. Reed, whose term expires, there will be a federal majority of *seventeen* votes.

Alleghany and Worcester are not heard from, but supposed to be federal. The political character of the state in the House of Representatives of the United States, is unchanged.

We have London advices as late as the 21st of August. They do not appear to contain any thing immediately interesting to us, except that the destination of the 89th reg. was changed from Portugal to Halifax.

An engagement took place on the 25t of July, between the advance guard of the Russian army under general Bragation and the French, in which the latter are said to have been defeated, with the loss of 3000 men in killed, wounded and prisoners.

LONGEVITY.

A gentleman in this city has both parents living, who have been in the state of wedlock together for upwards of fifty years; and his lady has a grandfather and grandmother living in Connecticut, who have been married *seventy-two years*, having been married in the year 1640, the year the parish meeting-house was built. The old lady was 90 the last month, and he is in his 96th year, was born and always lived on the same farm, and has two brothers upwards of 90 years old also, one of which, after passing his 90th year, drove his own waggon from Saratoga, in this state, upwards of 200 miles, to visit his brother. We doubt whether an instance of a matrimonial life of equal length can be found in history.

A woman was lately living in Nine Partners, in Dutchess county, in this state, at the age of 104, who had followed the profession of a midwife, and had a register of 2740 births at which she had attended.

N. Y. Columbian.

* Assured that a publication of the fact will give pleasure to many of the editor's friends in different parts of the United States, he respectfully states, though at the end of the year, as was expected, a small portion of the subscribers to the Register discontinued, influenced by various motives, that the work is every day strengthened by the accession of new patrons; within the last four weeks they amount to upwards of 100, of all *political* parties. But many, very many, are yet in arrears. The agents are politely requested to furnish an account of those who have not paid; the work is too costly to be furnished on the *probability* of payment.—The terms are inserted in the first page of the present volume.

THE WEEKLY REGISTER.

No. 7 of vol. III.] BALTIMORE, SATURDAY, October 17, 1812. [whole no. 59.

Hæc olim meminisse juvabit.—Virgil.

Printed and published by H. Niles, South-st. next door to the Merchants' Coffee House, at $ 5 *per annum.*

Constitution of New-Hampshire.

The constitution of New-Hampshire, as altered and amended by a convention of delegates held at Concord, in said state, by adjournment, on the second Wednesday of February, 1792.

PART I.—BILL OF RIGHTS.

Article I. All men are born equally free and independent: Therefore, all government, of right, originates from the people, is founded in consent, and instituted for the general good.

II. All men have certain natural, essential, and inherent rights—among which are the enjoying and defending life and liberty, acquiring, possessing, and protecting property; and, in a word, of seeking and obtaining happiness.

III. When men enter into a state of society, they surrender up some of their natural rights to that society, in order to ensure the protection of others; and without such an equivalent the surrender is void.

IV. Among the natural rights, some are in their very nature, unalienable, because no equivalent can be given or received for them. Of this kind are the *rights of conscience.*

V. Every individual has a natural and unalienable right to worship GOD according to the dictates of his own conscience and reason; and no person shall be hurt, molested, or restrained in his person, liberty, or estate, for worshipping God in the manner most agreeable to the dictates of his own conscience, or for his religious profession, sentiments, or persuasion; provided he doth not disturb the public peace, or disturb others in their religious worship.

VI. As morality and piety, rightly grounded on evangelical principles, will give the best and greatest security to government, and will lay, in the hearts of men, the strongest obligations to due subjection; and as the knowledge of these is most likely to be propagated through a society, by the institution of the public worship of the Deity, and of public instruction in morality and religion; therefore, to promote these important purposes, the people of this state have a right to empower, and do hereby fully empower the legislature, to authorize, from time to time, the several towns, parishes, bodies corporate, or religious societies, within this state, to make adequate provision, at their own expense, for the support and maintenance of public protestant teachers of piety, religion and morality:

Provided notwithstanding, That the several towns, parishes, bodies corporate, or religious societies, shall at all times have the exclusive right of electing their own public teachers, and of contracting with them for their support and maintenance. And no person, of any one particuliar religious sect or denomination, shall ever be compelled to pay towards the support of the teacher or teachers of another persuasion, sect or denomination.

But this shall not be construed to free a person from the obligations of his own contract, on his pretence of changing his religious persuasion after making the contract.

And whenever a minister is settled by any incorporated town or parish, any person dissenting, shall have liberty, either at the meeting, or previous to the ordination of the minister, or within one month after the vote obtained for his settlement, to enter his dissent with the town or parish clerk, against paying, or contributing towards the support of the said minister, and all minors who, after such settlement, shall come of age, and all inhabitants of such town or parish who are absent from the same at the time of such meeting or settlement, and all persons who, after such settlement, move into such town or parish to reside, shall have three months from the time of their coming of full age, returning into town, or moving into, reside as aforesaid, respectively, to enter their dissent, with the town or parish clerk, as aforesaid.

And all persons who do not enter their dissent, as aforesaid, shall be bound by the major vote of such town or parish, and it shall be considered as their voluntary contract; but all persons who enter their dissent, as aforesaid, shall not be bound by the vote of such town or parish, or considered a party to such contract, or in any way be compelled to contribute towards the support of the minister; nor shall any person be compelled to contribute towards the support of the minister, who shall change from the sect or denomination of which he professed to be when he settled, to any other persuasion, sect or denomination.

And every denomination of christians, demeaning themselves quietly, and as good citizens of the state, shall be equally under the protection of the law: and no subordination of any one sect or denomination to another, shall ever be established by law.

And nothing herein shall be understood to affect any former contracts made for the support of the ministry; but all such contracts shall remain, and be in the same state as if this constitution had not been made.

VII. The people of this state have the sole and exclusive right of governing themselves, as a free, sovereign and independent state; and do, and forever hereafter shall, exercise and enjoy every power, jurisdiction, and right, pertaining thereto, which is not, or may not hereafter be, by them expressly delegated to the United States of America in congress assembled.

VIII. All power residing originally in, and being derived from the people, all the magistrates and officers of government, are their substitutes and agents, and at all times accountable to them.

IX. No office or place whatsoever, in government, shall be hereditary—the abilities and integrity requisite in all, not being transmissible to posterity or relations.

X. Government being instituted for the common benefit, protection and security of the whole community, and not for the private interest or emolument of any one man, family, or class of men: therefore, whenever the ends of government are perverted, or public liberty manifestly endangered, and all other means of redress are ineffectual, the people may, and of right ought to, reform the old, or establish a new government. The doctrine of non-resistance against arbitrary power and oppression, is absurd, slavish, and destructive of the good and happiness of mankind.

XI. All elections ought to be free, and every inhabitant of the state, having the proper qualifications has an equal right to elect, and be elected, into office.

XII. Every member of the community has a right to be protected by it in the enjoyment of his life, liberty and property; he is therefore bound to contribute his share to the expence of such protection, and to yield his personal service when necessary, or an equivalent. But no part of a town's property shall be taken from him, or applied to public uses, without his own consent, or that of the representative body of the people. Nor are the inhabitants of this state controlable by any other laws than those to which they, or their representative body have given their consent.

XIII. No person who is conscientiously scrupulous about the lawfulness of bearing arms, shall be compelled thereto, provided he will pay an equivalent.

XIV. Every citizen of this state is entitled to a certain remedy, by having recourse to the laws, for all injuries he may receive in his person, property, or character; to obtain right and justice freely, without being obliged to purchase it; completely, and without denial; promptly, and without delay, conformable to the laws.

XV. No person shall be held to answer for any crime, or offence, until the same is fully and plainly, substantially and formally, described to him: nor be compelled to accuse or furnish evidence, against himself. And every person shall have a right to produce all proofs that may be favorable to himself; to meet the witnesses against him, face to face; and to be fully heard in his defence by himself, and counsel. And no person shall be arrested, imprisoned, despoiled, or deprived of his property, immunities or privileges, put out of the protection of the law, exiled or deprived of his life, liberty or estate, but by the judgement of his peers, or the law of the land.

XVI. No person shall be liable to be tried after an acquittal, for the same crime or offence. Nor shall the legislature make any law that shall subject any person to a capital punishment (excepting for the government of the army and navy, and the militia in actual service) without trial by jury.

XVII. In criminal prosecutions the trial of facts, in the vicinity where they happen, is so essential to the security of the life, liberty and estate of the citizens, that no crime or offence ought to be tried in any other county than that in which it is committed, except in cases of general insurrection in any particular county, when it shall appear to the judges of the superior courts that an impartial trial cannot be had in the county where the offence may be committed, and upon their report the legislature shall think proper to direct the trial in the nearest county in which an impartial trial can be obtained.

XVIII. All penalties ought to be proportioned to the nature of the offence. No wise legislature will affix the same punishment to the crimes of theft, forgery and the like, which they do to those of murder and treason. Where the same undistinguished severity is exerted against all offences, the people are led to forget the moral distinction in the crimes themselves, and to commit the most flagrant with as little compunction as they do the lightest offences. For the same reason, a multitude of sanguinary laws is both impolitic and unjust. The true design of all punishments being to reform, not to exterminate, mankind.

XIX. Every person hath a right to be secure from all unreasonable searches and seizures of his person, his houses, his papers, and all his possessions. Therefore, all warrants to search suspected places, or arrest a person for examination or trial, in prosecutions for criminal matters, are contrary to this right, if the cause or foundation of them be not previously supported by oath or affirmation; and if the order in a warrant of a civil officer, to make search in suspected places, or to arrest one or more suspected persons, or to seize their property, be not accompanied with a special designation of the persons or objects of search, arrest or seizure; and no warrant ought to be issued, but in cases and with the formalities prescribed by law.

XX. In all controversies concerning property, and in all suits between two or more persons, excepting in cases wherein it hath been heretofore otherwise used and practised, the parties have a right to a trial by jury; and this right shall be deemed sacred and inviolable; but the legislature may, by the constitution, be empowered,

to make such regulations as will prevent parties from having as many trials by jury, in the same suit or action, as hath been heretofore allowed and practised, and to extend the civil jurisdiction of justices of the peace to the trials of suits where the sum demanded in damages doth not exceed four pounds, saving the right of appeal to either party. But no such regulations shall take away the right of trial by jury, in any case not in this article before excepted, unless in cases respecting mariners' wages.

XXI. In order to reap the fullest advantage of the inestimable privilege of the trial by jury, great care ought to be taken that none but qualified persons should be appointed to serve; and such ought to be fully compensated for their travel, time and attendance.

XXII. The *liberty of the press* is essential to the security of freedom in a state: It ought, therefore, to be inviolably preserved.

XXIII. Retrospective laws are highly injurious, oppressive and unjust. No such laws, therefore should be made, either for the decision of civil causes, or the punishment of offences.

XXIV. A well regulated militia is the proper, natural, and sure defence of a state.

XXV. Standing armies are dangerous to liberty, and ought not to be raised, or kept up, without the consent of the legislature.

XXVI. In all cases, and at all times, the military ought to be under strict subordination to, and governed by the civil power.

XXVII. No soldier, in time of peace, shall be quartered in any house, without the consent of the owner; and in time of war, such quarters ought not to be made but by the civil magistrate, in a manner ordained by the legislature.

XXVIII. No subsidy, charge, tax, impost, or duty, shall be established, fixed, laid or levied, under any pretext whatsoever, without the consent of the people, or their representatives in the legislature, or authority, derived from that body.

XXIX. The power of suspending the laws, or the execution of them, ought never to be exercised but by the legislature, or by authority derived therefrom, to be exercised in such particular cases only as the legislature shall expressly provide for.

XXX. The freedom of deliberation, speech, and debate, in either house of the legislature, is so essential to the rights of the people, that it cannot be the foundation of any action, complaint, or prosecution in any other court or place whatsoever.

XXXI. The legislature shall assemble for the redress of public grievances, and for making such laws as the public good may require.

XXXII. The people have a right, in an orderly and peaceable manner, to assemble and consult upon the public good, give instructions to their representatives, and to request of the legislative body, by way of petition or remonstrance, redress of the wrongs done them, and of the grievances they suffer.

XXXIII. No magistrate or court of law shall demand excessive bail or sureties, impose excessive fines, or inflict cruel or unusual punishments.

XXXIV. No person can in any case be subjected to law martial, or to any pains or penalties by virtue of that law, except those employed in the army, or navy, and except the militia in actual service, but by authority of the legislature.

XXXV. It is essential to the preservation of the rights of every individual, his life, liberty, property, and character, that there be an impartial interpretation of the laws and administration of justice. It is the right of every citizen to be tried by judges as impartial as the lot of humanity will admit. It is therefore not only the best policy, but for the security of the rights of the people, that the judges of the supreme judicial court should hold their offices so long as they behave well; subject, however, to such limitations, on account of age, as may be provided by the constitution of the state; and that they should have honorable salaries, ascertained and established by standing laws.

XXXVI. Economy being a most essential virtue, in all states, especially in a young one; no pension shall be granted but in consideration of actual services; and such pensions ought to be granted with great caution by the legislature, and never for more than one year at a time.

XXXVII. In the government of this state, the three essential powers thereof, to wit, the legislative, executive and judicial, ought to be kept as separate from, and independent of, each other, as the nature of a free government will admit, or as is consistent with that chain of connexion that binds the whole fabric of the constitution in one indissoluble bond of unity and amity.

XXXVIII. A frequent recurrence to the fundamental principles of the constitution, and a constant adherence to justice, moderation, temperance, industry, frugality, and all the social virtues, are indispensably necessary to preserve the blessings of liberty and good government; the people ought, therefore, to have a particular regard to all those principles in the choice of their officers and representatives: And they have a right to require of their law-givers and magistrates an exact and constant observance of them in the formation and execution of the laws necessary for the good administration of the government.

PART II.—FORM OF GOVERNMENT.

THE people inhabiting the territory formerly called the province of New-Hampshire, do hereby solemnly and mutually agree with each other, to form themselves into a free, sovereign and independent body politic, or state, by the name of the *State of New-Hampshire.*

GENERAL COURT.

THE supreme legislative power, within this state, shall be vested in the senate and house of representatives, each of which shall have a negative on the other.

The Senate and House shall assemble every year on the last Wednesday of October, and at such other times as they may judge necessary; and shall dissolve, and be dissolved, seven days next preceding the said last Wednesday of October; and shall be styled, *The General Court of New-Hampshire.*

The general court shall forever have full power and authority to erect and constitute judicatories and courts of record, or other courts, to be holden in the name of the state for the hearing, trying and determining, all manner of crimes, offences, pleas, processes, plaints, actions, causes, matters, and things whatsoever, arising or happening within this state, or between or concerning persons inhabiting or residing, or brought within the same, whether the same be criminal or civil, or whether the crimes be capital or not capital, and whether the said pleas be real, personal or mixed;—and for awarding and issuing execution thereon. To which courts and judicatories, are hereby given and granted, full power and authority, from time to time, to administer oaths or affirmations, for the better discovery of truth in any matter in controversy, or depending before them.

And farther, full power and authority are hereby given and granted to the said general court, from time to time, to make, ordain and establish, all manner of wholesome and reasonable orders, laws statutes, ordinances, directions and instructions, either with penalties or without, so as the same be not repugnant or contrary to this constitution, as they may judge for the benefit and welfare of this state, and for the governing and ordering thereof, and of the citizens of the same, for the necessary support and defence of the government thereof; and to name and settle annually, or provide by fixed laws for the naming and settling all civil officers within this state; such officers excepted, the election and appointment of whom are hereafter in this form of government otherwise provided for; and to set forth the several duties, powers, and limits of the several civil and military officers of this state, and the forms of such oaths or affirmations as shall be respectively administered unto them, for the execution of their several offices and places, so as the same be not repugnant or contrary to this constitution; and also to impose fines, mulcts, imprisonments, and other punishments; and to impose and levy proportional and reasonable assessments, rates, and taxes, upon all the inhabitants of, and residents within, the said state; and upon all estates within the same; to be issued and disposed of by warrant, under the hand of the governor of this state for the time being, with the advice and consent of the council, for the public service, in the necessary defence and support of the government of this state, and the protection and preservation of the citizens thereof, according to such acts as are, or shall be, in force within the same.

And while the public charges of government, or any part thereof, shall be assessed on polls and estates in the manner that has been heretofore practised; in order that such assessments may be made with equality, there shall be a valuation of the estates within the state, taken anew once in every five years at least, and as much oftener as the general court shall order.

No member of the general court shall take fees, be of counsel or act as advocate, in any cause before either branch of the legislature; and upon due proof thereof, such member shall forfeit his seat in the legislature.

The doors of the galleries of each house of the legislature shall be kept open to all persons who behave decently, except when the welfare of the state, in the opinion of either branch, shall require secrecy.

SENATE.

THE Senate shall consist of thirteen members, who shall hold their offices for one year, from the last Wednesday of October next ensuing their election.

And that the state may be equally represented in the senate, the legislature shall, from time to time, divide the state into thirteen districts, as nearly equal as may be without dividing towns and unincorporated places; and in making this division, they shall govern themselves by the proportion of public taxes paid by the said districts, and timely make known to the inhabitants of the state the limits of each district.

The freeholders and other inhabitants of each district, qualified as in this constitution is provided, shall annually give in their votes for a senator, at some meeting holden in the month of March.

The senate shall be the first branch of the legislature; and the senators shall be chosen in the following manner, viz: Every male inhabitant of each town, and parish with town privileges, and places unincorporated, in this state, of twenty-one years of age and upwards, excepting paupers and persons exempted from paying taxes at their own request, shall have a right, at the annual or other meetings of the inhabitants of said towns and parishes, to be duly warned and holden annually forever in the month of March, to vote in the town or parish wherein he dwells, for the senators in the county or district whereof he is a member.

Provided nevertheless, That no person shall be capable of being elected a senator, who is not seized of a freehold estate, in his own right, of the value of two hundred pounds, lying within this state, who is not of the age of thirty years, and who shall not have been an inhabitant of this state for seven years immediately preceding his election, and at the time thereof he shall be an inhabitant of the district for which he shall be chosen.

And every person, qualified as the constitution provides, shall be considered an inhabitant for the purpose of electing and being elected into any office or place within this state, in the town, parish, and plantation, where he dwelleth and hath his home.

And the inhabitants of plantations and places unincorporated, qualified as this constitution provides, who are or shall be required to assess taxes upon themselves towards the support of government, or shall be taxed therefor, shall have the same privilege of voting for senators, in the plantations and places wherein they reside, as the inhabitants of the respective towns and parishes aforesaid have. And the meetings of such plantations and places for that purpose shall be holden annually in the month of March, at such places respectively therein as the assessors thereof shall direct; which assessors shall have like authority for notifying the electors,

collecting and returning the votes, as the selectmen and town-clerks have in their several towns by this constitution.

The meetings for the choice of governor, council and senators, shall be warned by warrant, from the selectmen, and governed by a moderator, who shall, in the presence of the selectmen, (whose duty it shall be to attend) in open meeting, receive the votes of all the inhabitants of such towns and parishes present, and qualified to vote for senators; and shall, in said meetings, in presence of the said selectmen and of the town-clerk, in said meeting, sort and count the said votes, and make a public declaration thereof, with the name of every person voted for, and the number of votes for each person: and the town-clerk shall make a fair record of the same at large, in the town-book, and shall make out a fair attested copy thereof, to be by him sealed up, and directed to the secretary of the state, with a superscription expressing the purport thereof: and the said town-clerk shall cause such attested copy to be delivered to the sheriff of the county in which such town or parish shall lie, forty days at least before the last Wednesday of October; or to the secretary of the state at least thirty days before the said last Wednesday of October: and the sheriff of each county, or his deputy, shall deliver all such certificates by him received, into the secretary's office, at least thirty days before the last Wednesday of October.

And that there may be a due meeting of senators on the last Wednesday of October annually, the governor and a majority of the council, for the time being, shall, as soon as may be, examine the returned copies of such records, and fourteen days before the said last Wednesday of October, he shall issue his summons to such persons as appear to be chosen senators by a majority of votes, to attend and take their seats on that day.

Provided nevertheless, That for the first year the said returned copies shall be examined by the president, and a majority of the council then in office: And the said president shall, in like manner, notify the persons elected, to attend and take their seats accordingly.

And in case there shall not appear to be a senator elected by a majority of votes, for any district, the deficiency shall be supplied in the following manner, viz. The members of the house of representatives, and such senators as shall be declared elected, shall take the names of the two persons having the highest number of votes in the district, and out of them shall elect, by joint ballot the senator wanted for such district; and in this manner all such vacancies shall be filled up in every district of the state; and in like manner, all vacancies in the senate, arising by death, removal out of the state, or otherwise, shall be supplied as soon as may be after such vacancies happen.

The senate shall be final judges of the elections, returns, and qualifications of their own members, as pointed out in this constitution.

The senate shall have power to adjourn themselves, provided such adjournment do not exceed two days at a time.

Provided nevertheless, That whenever they shall sit on the trial of any impeachment, they may adjourn to such time and place as they may think proper, although the legislature be not assembled on such day, or at such place.

The senate shall appoint their president and other officers, and determine their own rules of proceedings: and not less than seven members of the senate shall make a quorum for doing business; and when less than eight senators shall be present, the assent of five at least shall be necessary to render their acts and proceedings valid.

The senate shall be a court, with full power and authority to hear, try, and determine all impeachments made by the house of representatives against any officer or officers of the state, for bribery, corruption, mal-practice or mal-administration in office;——with full power to issue summons, or compulsory process, for convening witnesses before them, with all necessary powers incident to a court of trials; but previous to the trial of any such impeachment, the members of the senate shall be respectively sworn truly and impartially to try and determine the charge in question, according to evidence. And every officer impeached for bribery, corruption, mal-practice, or mal-administration in office, shall be served with an attested copy of the impeachment, and order of the senate thereon, wish such citation as the senate may direct, setting forth the time and place of their sitting to try the impeachment; which service shall be made by the sheriff, or such other sworn officer as the senate may appoint, at least fourteen days previous to the time of trial; and such citation being duly served and returned, the senate may proceed in hearing of the impeachment, giving the person impeached if he shall appear, full liberty of producing witnesses and proofs, and of making his defence, by himself and counsel; and may also, upon his refusing or neglecting to appear, hear the proofs in support of the impeachment, and render judgment thereon, his non-appearance notwithstanding; and such judgment shall have the same force and effect as if the person impeached had appeared and pleaded in the trial. Their judgment, however shall not extend further than removal from office, disqualification to hold or enjoy any place of honor, trust, or profit, under this state; but the party so convicted, shall nevertheless be liable to indictment, trial, judgment, and punishment, according to the laws of the land.

Whenever the governor shall be impeached, the chief justice of the supreme judicial court shall, during the trial, preside in the senate, but have no vote therein.

HOUSE OF REPRESENTATIVES.

There shall be, in the legislature of this state, a representation of the people annually elected, and founded upon principles of equality: and in order that such representation may be as equal as circumstances will admit, every town, parish or place entitled to town privileges, having one hundred and fifty rateable male polls, of twenty-one years of age and upwards, may elect one representative: if four hundred and fifty rateable male polls, may elect two representatives; and so proceeding in that proportion, make three hundred such rateable polls the mean of increasing number for every additional representative.

Such towns, parishes or places as have less than one hundred and fifty rateable polls, shall be classed by the general assembly, for the purpose of choosing a representative, and seasonably notified thereof. And in every class formed for the abovementioned purpose, the first annual meeting shall be held in the town, parish or place wherein most of the rateable polls reside; and afterwards in that which has the next highest number; and so on annually, by rotation, through the several towns, parishes or places, forming the district.

Whenever any town, parish or place, entitled to town privileges as aforesaid, shall not have one hundred and fifty rateable polls, and be so situated as to render the classing thereof with any other town, parish or place, very inconvenient, the general assembly may, upon application of a majority of the voters of such town, parish or place, issue a writ for their selecting and sending a representative to the general court.

The members of the house of representatives shall be chosen annually, in the month of March, and shall be the second branch of the legislature.

All persons qualified to vote in the election of senators shall be entitled to vote within the district where they dwell, in the choice of representatives. Every member of the house of representatives shall be chosen by ballot; and for two years at least, next preceding his election, shall have been an inhabitant of this state; shall have an estate within the district which he may be chosen to represent, of the value of one hundred pounds, one half of which to be a freehold, whereof he is seized in his own right; shall be, at the time of his election, an inhabitant of the district he may be chosen to represent, and shall cease to represent such district immediately on his ceasing to be qualified as aforesaid.

The members of both houses of the legislature shall be compensated for their services out of the treasury of the state, by a law made for that purpose; such members attending seasonably, and not departing without licence. All intermediate vacancies, in the house of representatives, may be filled up from time to time, in the same manner as annual elections are made.

The house of representatives shall be the grand inquest of the state; and all impeachments made by them, shall be heard and tried by the senate.

All money-bills shall originate in the house of representatives; but the senate may propose, or concur with amendments, as on other bills.

The house of representatives shall have the power to adjourn themselves, but no longer than two days at a time.

A majority of the members of the house of representatives shall be a quorum for doing business: but when less than two-thirds of the house of representatives elected shall be present, the assent of two-thirds of those members shall be necessary to render their acts and proceedings valid.

No member of the house of representatives or senate shall be arrested or held to bail, on mean process, during his going to, return from, or attendance upon the court.

The house of representatives shall choose their own speaker, appoint their own officers, and settle the rules of proceedings in their own house; and shall be judge of the return, elections and qualifications of its members, as pointed out in this constitution. They shall have authority to punish, by imprisonment, every person who shall be guilty of disrespect to the house, in its presence, by any disorderly and contemptuous behavior, or by threatening or ill treating any of its members; or by obstructing its deliberations; every person guilty of a breach of its privileges, in making arrests for debt, or by assaulting any member during his attendance at any session; in assaulting or disturbing any one of its officers in the execution of any order or procedure of the house; in assaulting any witness or other person ordered to attend by, and during his attendance on the house, or in rescuing any person arrested by order of the house, knowing them to be such. The senate, governor and council shall have the same powers in like cases: provided that no imprisonment by either for any offence exceed ten days.

The journals of the proceedings, and all the public acts of both houses of the legislature, shall be printed and published immediately after every adjournment or prorogation; and upon motion made by any one member, the yeas and nays upon any question shall be entered in the journals: and any member of the senate or house of representatives shall have a right on motion made at the time for that purpose, to have his protest or dissent, with the reasons, against any vote, resolve, or bill passed, entered on the journals.

(To be continued.)

State of Louisiana.

GOVERNOR'S SPEECH.

Fellow citizens of the Senate, and of the House of Representatives.

I am very grateful to the people of Louisiana for the distinguished proof of confidence they have been pleased to afford me, nor am I insensible, gentlemen, of the honor conferred by your sanction of the popular sentiment in my behalf. Diffident of my talents and deeply impressed with the magnitude of the trust committed to me, I should despair of a success-

ful result, were it not for the benefit of your enlightened counsels:—Man is rarely enabled to conduct his own concerns in a manner pleasing to himself, and how much more difficult is it to manage satisfactorily the affairs of a government? As far as it regards my agency, I cannot promise myself the happiness of pursuing a course which shall command general approbation. To conciliate public sentiment, and to satisfy the wishes of all, requires a perfection in wisdom and virtue, to which I lay no claim. It will, I fear, be often my misfortune to mistake the public interest; but I shall never do it intentionally. There, notwithstanding, will be individuals, who will endeavor to magnify my errors and crime. But the repose of an approving conscience is not easily disturbed, and as in times past, so in times to come, I shall view with calmness the turbulence of political contention, and meet with composure the clamor and bitterness of opposition. With these feelings, gentlemen, and firm reliance on the justice of my country, I have entered on the duties of my office, without the smallest apprehension, other than what arises from an extreme solicitude for the general welfare.

Having witnessed the moment when the authority of the United States was first extended over this important, interesting and delightful district; having assisted for near nine years, in its progress from colonial dependence to state sovereignty, and so frequently experienced the kind indulgence of its generous inhabitants; there are no motives which can influence an ingenuous mind; no consideration of honor and gratitude, but combine to render the prosperity of Louisiana an object of my fondest affections. Receive, then, gentlemen, my warmest congratulations on the happy event, which has made her a member of the great American confederacy, and secured for ourselves and posterity the blessings of liberty, laws and safety. Always a friend to representative government, and believing it to be one best calculated to advance the happiness of society, I anticipate the most favorable results from your present deliberations. Your devotion to the public good, and your wisdom to discern it, will ensure the earliest attention to the various subjects of legislation. The consideration of the act of congress, which provides for an enlargement of the limits of this state, has justly been considered as of primary importance.—By that act a considerable tract of country, rich in natural resources, and highly improved by the hand of industry, is, with the assent of the legislature, to be added to Louisiana. This accession of population, of wealth and of strength, was earnestly desired by the convention of Orleans, and the general government, in according to it, has given a further proof of regard for the welfare of this section of the Union, which you, gentlemen, will, I am assured, highly appreciate.

The constitution of the state points to several objects of high concern, which claim your most deliberate reflection. On a wise and just arrangement of the judicial department depends the best interests of the community. The great outlines are prescribed; but the details are left for legislative provision. The judicial power "is to be vested in a supreme court with appellate jurisdiction only, and such inferior courts as the legislature may think proper to establish." Your first care should be to facilitate the approach to the tribunal of last resort, and render it accessible to the most indigent citizen. An accumulation of legal forms and ceremonies should be studiously avoided—they augment expences and become oppressive: they obstruct the streams of justice, and eventually divert their course. In organizing inferior courts, your own knowledge of the local situation of the several counties and of the habits and sentiments of your constituents, will be your safest guide. We have seen the operation of the parish court system, and experience has made us sensible of its defects. These should be remedied. But let us not proceed with an impetuous hand, or we may mistake innovation for reform, and instead of amendment, present only a change. The "duties of the attorney-general" and "the number and duties also of the district attornies" are to be determined by the law. These will necessarily depend upon and be adapted to your judicial arrangements. But I am persuaded, gentlemen, you will in no instance depart from the wise policy which forbids an unnecessary increase of offices.

At this eventful crisis it is highly essential that this state should be fully represented in the senate and house of representatives of the United States, and that timely provision be made for the exercise of its important suffrage, at the approaching election for a president and vice-president. To this end you will take the necessary measures, nor do I doubt but they will be such as the purest principles of patriotism shall advise.

To carry into effect the article of the constitution which secures to the citizens of New Orleans the right of appointing the officers necessary for the administration of police, pursuant to the mode of election to be prescribed by the legislature, your co-operation is necessary and ought to be speedily rendered. The interest of this great and growing city is intimately connected with that of the other states, and cannot be too affectionately cherished.

The regents of the university of Orleans will lay before you, gentlemen, an interesting view of the college of Orleans, and of the several county schools under their superintendance. You will notice with great satisfaction the progress of science, nor do I doubt your readiness to contribute, by such means as may be in your power, to its future advancement. Education gives to the mind all the perfection of which it is susceptible, and prepares our youth for the high destinies which await them. On the rising generation rests the happiness of parents and the best hopes of the state. Let our children be reared in the paths of knowledge, of virtue and patriotism, and whilst they will maintain the rights, the honor and the glory of the country, their general deportment will be such as to occasion "the grey hairs of those who watched them in their infancy to go down without regret to the grave."

Gentlemen of the House of Representatives,

The proper accounting officers will present you a statement of the receipts and expenditures for the past year. The liberal donations of the last territorial legislature to literary institutions: The remuneration accorded to sufferers during the late insurrection, and the heavy expences incurred by the convention of the territory of Orleans, made serious impressions on the public treasury. There nevertheless remains a fund equal to such exigencies, and I indulge a fond hope, that the charges incident to a state government, may all be met without resorting to further taxes. But to this end it is indispensible that punctuality in the collection of the revenue be enforced, and the most prudent economy in its expenditure observed. We are all, gentlemen, sensible of the pressure of the times, and must unite in the most economical course. The hand of industry no longer meets a liberal reward—most of the productions of the soil are perishing in our possession; and the payment of the existing imposts is becoming seriously inconvenient to many of our fellow citizens.

Gentlemen of the Senate, and of the House of Representatives,

There is yet another subject to which I am urged by the strongest considerations of duty to invite your attention. The militia, says the constitution, is to be organized in such manner as may hereafter be deemed most expedient by the legislature. It is with regret I have to observe that this force does not exhibit that arrangement, order and discipline, which can alone render it respectable. The causes may in part be found in the existing laws, which I pray you to revise and render more efficient. The contrariety of language spoken by the citizens in Louisiana; the dispersed situation of our settlements; and the inconvenience which attends the frequent assemblage of corps for exercise and inspection; present serious *obstacles*—But these should serve only as incitements to further exertion, until every improvement is given to our militia system, which existing circumstances will admit. But at this perilous crisis the safety of our country imperiously demands it. The United States are engaged in a war, to the calamities of which this section of the union is greatly exposed. We know not the moment when the enemy may menace the sanctuary of our dwellings and convert to his use the fruits of our industry. A sense of common danger should unite every heart and strengthen every arm. If ever a war was justifiable the one which our country has declared is that war. If ever a people had cause to repose with confidence in their government, we are that people.——From the days of the great Washington to the present period, the desire of our rulers has been to preserve peace with all nations, and to keep aloof from those *destructive conflicts* which are filling the world with widows and orphans. With this view the most pacific policy has been pursued—omitting nothing which justice required, and doing nothing which neutrality forbade. Remote from the scene of carnage; and indulging in no "sympathy for the belligerents, but such as invited acts of kindness to all, we had a right to expect exemption from aggression." But in this degenerate era, innocence itself cannot arrest the hand of violence.

When the government of Great Britain first aspired to the base pre-eminence of becoming the highwayman of the ocean, our illustrious statesmen exposed the absurdity—the wickedness of her pretensions, and made repeated appeals to her justice;—but they appealed in vain.

When our unprotected commerce became a prey to rapacity, and our countrymen navigating the high seas were impressed into an ignominious service, and made to fight the battles of their oppressors, we again preferred remonstrance to resistance. But this moderation has been received as timidity, and in proportion to our forbearance have wrongs multiplied. Our laws are derided and our rights outraged—the harbors of the United States have been blockaded, and their own waters colored with American blood. Seeking redress by negociation, the *sword still rested in the scabbard, and we called it a peace.* But such a PEACE presented no charms to an American heart—it was accompanied with dishonor, and leading fast to the ruin of our country. The day however of retribution has at length arrived.

The government which, to a long list of injuries, has added an attempt to dismember the happy Union which made these States free and independent;—the government whose agents are busily employed in exciting the ruthless savage to murder our women and children, has much to answer for. The collected wisdom of the American nation has declared the *remedy*, and a great, brave and determined people will apply it. A war exists between the United Kingdoms of Great Britain and Ireland and their dependencies, and the United States of America. *War is not the greatest of evils.* A base submission to aggression, would have been a greater curse—it would have entailed dishonor, cowardice and slavery upon ourselves and our posterity. The independence of America was the fruit of eight years of toil and of danger; and, to maintain this inestimable *heritage*, the sword is again unsheathed. The wrongs of England have been long and seriously felt. They are visible in the decline of our seaport towns, in the ruin of commerce, and the languor of agriculture. The recourse to arms may increase the pressure. But let it be recollected, that whatever sacrifice we make, is offered on the altar of our country—a consideration which will reconcile a faithful people to every privation. The president of the United States calculates on every aid which it is in the power of Louisiana to give, "as well to mitigate the *evil* of war to our own citizens, as to make it effectual against the enemy." In so reasonable a request, let not our chief be disappointed. *For years has he labored to avert the storm, and now that it rages with all its fury, let us endeavor to carry him and our country safely through it.* Union is in itself a host. It is numbers, strength, and security. Let every man put himself in armor. Age itself should be prepared to advance against an invading foe. Our young men should hasten "to the tented field," and rendering their service to the government, be in readiness at a moment's warning to march to the point of attack. *In such a contest, the issue cannot be doubtful. In such a cause, every American should make bare his bosom.* "When Justice is the standard, Heaven is the warrior's shield."

WM. C. C. CLAIBORNE.

New-Orleans, July 30, 1812

Proclamation.

By the President of the United States of America,

A PROCLAMATION.

WHEREAS information has been received that a number of individuals, who have deserted from the army of the United States, have become sensible of their offences, and are desirous of returning to their duty:

A full pardon is hereby granted and proclaimed to each, and all such individuals, as shall, within four months from the date hereof, surrender themselves to the commanding officer of any military post within the United States, or the territories thereof.

In testimony whereof, I have caused the seal of (SEAL.) the United States to be affixed to these presents, and signed the same with my hand.

Done at the city of Washington, the eighth day of October, A. D. 1812, and of the Independence of the United States the thirty-seventh.

JAMES MADISON.

By the President,

JAMES MONROE,
Secretary of State.

State of New-Hampshire.

By the Governor, A PROCLAMATION *for a Day of Public Thanksgiving.*

IT being the duty of all men, with grateful hearts, to acknowledge the superintending care and benevolent Providence of ALMIGHTY GOD, whose protection extends to all his creatures, and without whose permission not even *a sparrow can fall to the ground:* And considering the innumerable blessings which HE has, with parental kindness, conferred on the people of this State during the present year, and

in conformity with the laudable practice of our ancestors—

I have thought fit, by and with the advice of the council, to appoint THURSDAY, the TWELFTH day of NOVEMBER next, to be observed as day of *PUBLIC THANKSGIVING* through the State. And the ministers, and the people of the various religious denominations therein are requested to assemble on that day, at their usual places of worship, and with united hearts and voices offer their tribute of grateful praise and thanksgiving to the Author of all good, for the bounties of his common Providence; and in particular for the general health we have enjoyed;—that HE has preserved us from the pestilence which walketh in darkness, and from contagious disease that wastes at noon-day;—that HE hath caused the earth to yield her increase, and afforded a competent supply for the returning wants of man and beast;—that HE hath preserved to us the inestimable blessings of a free republican government founded in principles of equity and justice, in which all its powers are derived from the people, its officers elected by them for short and limited periods, and amenable to them for their conduct in office, and in which the rulers enjoy and suffer, in common with their fellow-citizens, the good and evil effect of the laws they ordain;—that HE hath preserved to us the invaluable blessing of RELIGIOUS FREEDOM, by which each individual has perfect liberty to worship in the manner and season most agreeable to the dictates of his *own conscience*, and not compelled to yield his property to the support of teachers who are of a different persuasion from himself;—and above all that HE has revealed to us a religion, whose principles are founded in the reason and fitness of things, and its precepts form a system of the purest morality—a religion, affording to man the prospect of attaining, through faith and obedience, *another and a better world*—imposing no duties but those which increase man's happiness—requiring all *to do to others as they would they should do to them*—that rulers are bound *to rule in* HIS *fear* and to have the *public good* for their object, and the people to yield obedience to the laws and to the magistracy, because *they are ordained of* HIM *to be a terror to evil doers and a praise and encouragement to those who do well.*

And while we celebrate the praise of the ALMIGHTY for public and private favors, may we humble ourselves for our past transgressions, amend and reform our lives—that when *his judgments are in the earth*, we may by our conduct prove that we in fact *learn righteousness*: That as HE *has been pleased to permit the injustice of a foreign power to involve us in the calamity of war*, HE would take the United States under his divine protection, inspire our people with patriotism and love of country, our officers and soldiers with fortitude and courage, *teach their hands to the war and their fingers to fight—turn the councils of our enemies into foolishness, and hedge up their ways about them*—and that HE would so unite the hearts of all our people, *as even to make our enemies to be at peace with us.*

That HE would graciously be pleased to take the government of the United States, and of each individual State, under his holy protection—inspire our legislators with wisdom to enact just and useful laws, our executive officers with firmness steadily to pursue prudent measures, and the people with a spirit cheerfully to render a prompt obedience to the laws of their country.

That HE would bless our agriculture, commerce and manufactures, our colleges and seminaries of learning, and render us that virtuous and happy people whom HE *shall delight to own and prosper.*

And the people of this state are requested to abstain, on that day, from all labor and recreation inconsistent with the duties thereof.

GIVEN at the council chamber, at Concord, this twenty-first day of September, in the year of our Lord one thousand eight hundred and twelve, and of the Independence of the United States, the thirty-seventh.

WILLIAM PLUMER.

By His Ex'cy's command, with advice of council,

WM. PICKERING, *Dep. Sec'ry.*

Connecticut.

To the veterans who have served their country during the war of the revolution, and all those who from other causes have been exempted from military duty, the captain-general takes the liberty on this occasion, and in consequence of the act of August respecting Volunteer corps, to address himself.

The extent to which the sea-coast of this state may be exposed by the events of the war, is uncertain, and it can only be said, that prudence requires every reasonable precaution for its security, and that our means are limited.

The regular troops of the Union may be withdrawn for other objects, and we may be left for a short period to our own defence. The state militia may also be taken on pressing occasions to act within a neighboring state, and whatever may be the feelings or wishes of the general government, we may still be left to this reserved force of the state to repel invasion—but to render this force effectual it must be organized. The legislature aware of these circumstances, by an act of the late session, have authorised the raising a body of volunteers from the exempts for the defence of the state, and for suppressing insurrections. The manner in which this is to be done, will be examined by every enlightened freeman, and it is presumed, found satisfactory. It is therefore necessary for the captain-general only to remark, that this body of men is to be strictly considered as a body of state troops, who are not, (under any circumstances) to be marched out of the state—they are to be commanded by company officers of their own choosing, together with officers of a higher grade, appointed by the captain-general. They may be raised for the term of three years, or for the war, a period which it is presumed will be much shorter, and are only to be called into the field by the state authority, on sudden and pressing emergencies: but no expense is to be incurred by the state, unless the troops shall be called into service.

On this class of the citizens of our state, who have so much power to protect, and who are determined to render that protection effectual, the captain-general now calls for that measure of precaution, which the legislature have judged to be expedient, and solicits them to volunteer their services in the manner proposed for the defence of the state. No cause can be more pure and sacred, it only requires you to stand within your own state, and upon your own threshold, and with one accord to devote yourselves to the defence of your wives, your children, your old and familiar firesides, and every other object that can be justly dear to man upon earth.

Dated at Norwich, this 22nd day of September, 1812.

By order of his Excellency the capt. general,

EBENEZER HUNTINGTON,

Adjutant-General state of Connecticut.

United States' Statistical Table,

Shewing the number of Representatives in Congress at four different periods; with the times at which the Constitution was ratified by the several States:

STATES.	*Ratification of the constitution by the states.*	*Representatives under the constitution.*	*Representatives after the first census—1790.*	*Representatives after the second census—1800.*	*Representatives after the third census—1810.*
New Hampshire,	June, 1788,	3	4	5	6
Massachusetts,	February, 1788,	8	14	17	20
Rhode-Island,	— 1790,	1	2	2	2
Connecticut,	January, 1788,	5	7	7	7
New-York,	July, 1788,	6	10	17	27
New-Jersey,	December, 1787,	4	5	6	6
Pennsylvania,	— 1787,	8	13	18	23
Delaware,	— 1787,	1	1	1	2
Maryland,	April, 1788,	6	8	9	9
Virginia,	June, 1788,	10	19	22	23
North Carolina,	November, 1789,	5	10	12	13
South Carolina,	May, 1788,	5	6	8	9
Georgia,	January, 1788,	3	2	4	6
New States.		-			
Vermont,	- -	-	2	6	6
Kentucky,	- -	-	1	3	10
Tennessee,	- -	-	-	1	6
Ohio,	- -	-	-	1	6
Louisiana,	- -	-	-	-	1
		65	106	142	182

Law Case.

DISTRICT COURT OF PENNSYLVANIA.

October 2, 1812.

IN THE CASE OF SHORNER.

It was agreed, that the following case should be submitted to the district judge, for decision, as upon a writ of *Habeas Corpus*.

J. Shorner, is a minor, between nineteen and twenty years of age—he had been bound apprentice to two successive masters, but both indentures had been cancelled; and he has since worked as a journeyman, on his own account, always applying his wages to his own use, without rendering any account of them to his mother; who was still living, though his father was dead. He had no guardian. He enlisted as a soldier, in the army of the United States, without the knowledge of his mother.

The question submitted for the decision of the judge was, whether the enlistment is valid, under the 11th section of the act of congress, passed the 11th of January, 1812?

The section is in these words:

"That the commissioned officers who shall be employed in the recruiting service shall be entitled to receive for every effective able bodied man, who shall be duly enlisted by him for the term of five years, and mustered (and between the age of eighteen and forty-five years) the sum of two dollars: *Provided nevertheless*, that this regulation so far as respects the age of the recruit shall not extend to musicians or to those soldiers, who may re-enlist into the service.—*And provided also*, that no person under the age of twenty-one years, shall be enlisted by any officer, or held in the service of the United States, without consent, in writing, of his *parent, guardian, or master, first had and obtained, if any he have, &c.*

Mr. Dallas, as district attorney, premised, that having been requested by a respectable officer, to give an opinion, upon the present question, he had thought it best to submit it to the judge in order to fix the rule, whatever way it was established, upon the basis of judicial authority.—He admitted that in common speech, and in the English dictionaries, the word *parent* embraced both father and mother; but that it had acquired a more limited meaning in legal contemplation; and was (as *Jacob*, in his law dictionary, states) "generally applied to the father."—It was, therefore, important to ascertain the sense, in which congress had used the word; and for arguments, by way of illustration and analogy, Mr. Dallas considered the legal relation of father and mother to the child, independent of natural ties, at the common law, and upon positive statute, concluding, that as the act of congress deemed the age of eighteen, a competent age for entering into the contract of enlistment, the minor must establish, upon plain reason, the exception, which authorised him to annul it.

Mr. Chauncey, on the other hand, contended, that the word parent was used by congress, in the admitted popular sense; that the distinctions between the mother and father at common law, were founded upon feudal principles, which could not apply here: and that every inducement to subject a minor to the advice, countenance and control of his father, would apply, upon his death, with additional force, to the case of the surviving parent, or mother.

On this day the judge delivered the following:

OPINION:—

Peters, *Judge*—I have resolved in my mind, the arguments of the counsel on both sides of the question submitted to my decision, as stated in the foregoing case. It does not seem to me to be necessary to discuss the common law points adduced to shew, that the mother is not in such degree of consanguinity or relationship to, or so vested by the common law with the control over, the son, in his nonage, and after the period of nurture, as to render her consent necessary to the binding force of engagements, or to exercise authority over his actions. Those points are grounded very much in principles of feudal institutions; which, favoring and protecting the claims of primogeniture, distinguish between the rights and duties even of a father, in regard to his eldest son, and apparent heir, of that son towards him; and those as they respect the younger children. The greatest part of those principles are inapplicable in this country, though it is our habit to regard them; and are, in many instances, opposed to the principles both of reason and nature; as the latter are felt and practised upon here. *Women*, in ages in this regard barbarous, were treated as mere breeders, and nurses; held in slavish subjection and denied the proper and necessary authority over their offspring.

In the act of congress relative to *naval* enlistments, the words are dissimilar on that subject, from those in the act relating to similar engagements in the land service. The words which have been the subject of discussion are:—"Provided always that no person under the age of 21 years shall be enlisted by any officer, or held in the service of the United States, without the '*consent in writing*' of his *parent*, guardian, or master, *first had and obtained*, if *any* he have?"

Now whatever rights or disabilities an infant may or may not have, or be subjected to; or whatever may be the relationship or power of a *mother* at common, or civil, law, I cannot conceive that she is not described in this act of congress so distinctly by the term "*parent*," that it would not be a violation of all rational construction to say, that she must be excluded from this *statutory regulation*. If the inconvenience to the service is found so important as it has been stated to be by the counsel who advocates the legality of the enlistment, let congress model the regulations in future, so as to exclude the *mother*, by declaring that by the term "*parent*," only the *father* is meant to have the authority in any case where there is no other guardian or master. And, of course, it will then follow, that when a youth has neither *fa-*

ther, other *guardian* or *master*, though he may as in this case, have a "*parent*" remaining, i. e. his *mother*, he must be left to his own will, without control over any of his actions; and without a friendly monitress to check his indiscretions, or cherish and invite his return to prudence and safety.

Whether the enlistment, in this case, be or not discreet and proper, I will not undertake to determine. But it appears to me, that the only remaining "*parent*" of this young man, who has neither "*guardian*" nor "*master*," has a right—by the terms of the law, and, let me add, by the feelings and affections of a mother—to pass an opinion, and to use a discretion, on the subject. Whether she will, or will not, exercise this right *wisely*, must be left to herself, and those who will advise her for the best. General principles cannot be warped to suit a particular case.

It is a cold and cheerless submission to, and unnecessary extension of the rude and rigorous principles of black letter jurisprudence; to say, that because the *mother*, is not entitled to, and cannot sue for amends for, loss of *service* of the son, (yet by the law of Pennsylvania he is obliged to assist in her support) she may not interfere in what regards his *welfare* and *happiness*. If we take lord *Coke's* advise, and place ourselves in the situation of the legislators, when they passed the proviso in question; I think we may safely conclude, that few of them knew, and none thought of, the learned lore which the books contain on the subject of *paternal* guardianship and power over the son and his affairs; or *maternal* disabilities and exclusion from such concerns. No doubt, if the *father* were living, the *mother* would not be the "*parent*" whose "*consent in writing*" would be required. But, in this, when he is dead, a "*parent*" is still left to satisfy the words of the law—"if *any* he have."

In the light in which I view the law, and the case, I cannot but consider the enlistment invalid.

Revolution in Mexico.

The following proclamation of Col. Bernardo, "*To the Republican volunteers at Nacogdochez*," is copied from a Natchez paper. It is interesting as affording information of the progress of the patriots, whose success we most heartily desire.

Fellow soldiers and volunteers in the Mexican cause.

I desire you to receive from me the tribute of my private feelings, and also as the agent of my Mexican brethren, my warmest and most sincere thanks for the activity, zeal, promptitude and courage that you have shewn in the obedience of those orders which you have received from your officers, acting under my command; and I flatter myself with the idea that the line of conduct which you have hitherto observed will be continued in, to the *discomfiture of tyrants*, to the *emancipation* of the *Mexicans*, and to the complete success of the enterprise you have undertaken, which will crown your exertions with glory, honor and fortune. The consolation of the justice of the cause which you support—of the fame and immortality which awaits your success—the idea that all the civilized nations of the world look on your actions with admiration and good will—the reflection that the future happiness or misery of a large portion of the habitable globe is now in your hands, will, I am certain prompt you on, and shew your enemies and the enemies of liberty, in every part of the world, that the spark which lighted the flame of independence in the northern part of America is not extinct in the bosoms of the descendants of those who fought, bled, and prevailed over tyrants; and will at the same time establish, beyond a possibility of doubt, your individual right to that liberty, for the attainment of which for others, you have volunteered your lives, your property, and sacrificed all your social connections.

You are now, fellow-soldiers, in peaceable possession of one of the out-posts established by European tyranny, the more effectually to enslave the oppressed Mexicans. This possession has been obtained without bloodshed on your part, from the consciousness in the minds of the cowardly instruments of tyranny, that they never can prevail in arms against the brave, free, and independent citizens of the United States of America.

This pusillanimity of conduct in the engines of despotism has left in your power, in a weak and defenceless state, all the citizens of the post which you have gained. Your conduct to those citizens, has met my entire approbation. It has done honor to yourselves, as men and as soldiers; and if continued, will be more powerful than all the arms in the world—as it will conquer their minds and force them (should they ever feel a doubt) to declare that you are to them as friends, as brothers and as protectors against those who have held them enthralled for ages past, in bondage the most ignominious. From the information which I have received from different quarters, I flatter myself that your stay in this place will not be long—that your numbers will increase to a sufficient extent and enable you to seek the tyrants in their strong holds, and force them to acknowledge this long enslaved country as a free, sovereign and independent government. When this event takes place (and the time is not far distant) you are to look for the reward of your toils, dangers, sufferings and difficulties, in the enjoyment of all the rights of honored citizens of the Mexican republic, in the cultivation of those lands, which I pledge myself will be assigned to every individual among you, or in the pursuit of wealth and happines, in such way as your inclinations may point out to you. To those who desire it, the right of working or disposing of any mines of gold, silver, or what nature soever, which you may find will be given. The right of taming and disposing of the wild horses and mules which roam unclaimed over an immense tract of country, within the limits of the Mexican republic, will be common to all of you.—The surplus of property confiscated, as belonging to those who are inimical to the republican cause after the expences of the expedition are paid, will be divided amongst you—and those powerful and almost inestimable services which you will render, will further be rewarded from the public treasury of that government which you will have so materially aided in erecting. JOSE BERNARDO GUTIERREZ.

[☞It would appear from the foregoing as if the army were chiefly composed of citizens of the United States—to prevent which the proper authority has issued a proclamation.]

The Indians.

The council with the Indian tribes on the western frontier having been concluded, the commissioners deem it their duty to give to their fellow-citizens a concise view of the proceedings and result.

The Delaware and Shawanoe tribes together with several of the Kickapoos, Seneca, Mingoe and Wyandots attended.

The commissioners according to their instructions have endeavored to ascertain their views and dispositions. They informed them of the inevitable consequence of any act of hostility on their part. That

the president stood in no need of their assistance in the war with Great Britain, and that for their own sakes, he desired them to remain quiet and pursue their usual occupations. The chiefs in behalf of the tribes that attended, have made professions of friendship and attachment to the United States, have in the most positive manner declared their determination to adhere to and observe the existing treaties, to remain neutral in the present war, and to reject the overtures of the British (which they state to have been repeated and pressing,) to engage in it. They have engaged by the most solemn promise to restrain their young men from hostile acts against us, and have agreed to be responsible for their conduct, and to prohibit hostile Indians from going to their towns, and to give notice of any premeditated hostility. The commissioners presume not to judge of the sincerity of professions, especially of the professions made by savages, it being the alone prerogative of the Supreme Ruler of the universe to judge the heart, but considering that their conduct will accord with their obvious interest, and having taken every possible means to ascertain their views, have from the result of their enquiries formed the opinion that their professions are sincere, and accordingly in virtue of their instructions given the tribes who attended, assurance that no act of hostility will be committed against them by any citizen of the United States while they observe a peaceable conduct.

The commissioners were of opinion that the non-attendance at the council by any tribe after having been invited, was such evidence of an hostile disposition, as to justify the suspension of the delivery of their annuities or presents. No goods, either as annuities or presents, have been delivered except to the tribes who attended, nor has ammunition or other implements of war been given in any case.

R. J. MEIGS,
T. WORTHINGTON, } Commissioners.
JER. MORROW.

Friendly Indians.

For the information that follows we are indebted to the (N. Y.) *Ontario Repository*, said to have been received from Jasper Parish, esq. interpreter to the Six Nations, and sub-agent for Indian affairs. It comes to us with every mark of authenticity, and is corroborated by many other accounts, so that we have full reliance in all the statement.

There was lately held at Buffaloe, a general council of Indians, consisting of the Six Nations, and the Stockbridge and Delaware tribes. The council was very numerous, and attended by a fuller representation of chiefs, than any that has been held for many years. The agent for Indian affaires, Mr. Granger, and the sub-agent, Mr. Parish, were both present.—On the 8th inst. The Senecas, Onondagas living near Buffaloe, and the Cayugas, universally offered to take up the hatchet in favor of the United States, in the present war. The chiefs who represented, the Onondagas living eastward of this, the Oneidas, the Tuscaroras, and the Stockbridge and Delaware tribes, not feeling authorised to pledge their warriors in so important a matter, said they would go home and consult them on the subject, but expressed at the same time the most thorough conviction, that all their warriors would also tender their services to the United States. The Indians, who attended at the council, said their interests within the United States were too important to be given up, without the strongest efforts to defend them, that they had been advising and laboring with the Indians, in Canada, for six years, to induce them to remain at peace without effect, and were extremely urgent that their services should be accepted. Those who volunteered at the council, agreed that they would go home so soon as the council fire was extinguished, arm and equip themselves for battle, and return again to Buffaloe, in ten days; and as there is no doubt but the other warriors, whose chiefs are not authorised to pledge them, will adopt the same determination with their brethren, there will probably be, within a fortnight, at Buffaloe, between three and four hundred Indian warriors.

It has been uniformly the wish of the government that the Indians should take no part in the war. The secretary at war, wrote a letter, which was read and explained in this very council, instructing the agent to exert himself to persuade the Indians to remain at peace; but the restless spirit of these sons of nature will not permit them to do so. The chiefs, though they are willing to do whatever they can, to further the views of the United States to whom they feel bound by strong ties, are unable to restrain their warriors. Their young men are clamorous to be employed. Under these circumstances the agent has been instructed to accept their services, to embody and organize them. It is believed, by all who are acquainted with the Indian character, that, in this state of things the inhabitants of the Niagara frontier, will find greater safety than they could in any other, while hostile armies remain in their neighborhood,—For if the earnest solicitations of the Indians, that we should accept their aid, had been denied, they would have been cool, perhaps distrustful, towards us, and during this state of things, if the British arms should obtain any advantages over ours, it is not improbable, that they might be induced to take up arms against us.

September 14, 1812.

North Western Country.

The following extract of a letter from a very intelligent gentleman in Illinois territory, dated Aug. 20, 1812, affords much general information, particularly interesting at this moment, when our attention is directed to the country it describes as the theatre of warlike operations: *Nat. Int.*

"Michilimackinac stands on an island on the northern part of lake Michigan; on one side it is nine miles, and on the other side six miles from main land; near the fort is a considerable village of the same name, at which the merchants in this country, engaged in the Indian trade, receive their supplies of goods; it is a flourishing village, and owes its consequence entirely to Indian trade.

"Fort St. Joseph is about 17 leagues from Mackinac, on an island in the north-west part of lake Huron, and at the lower end of lake George; here is also a small village. The village of Sault St. Mary's is on the Straits of St. Mary's, twelve leagues above St. Joseph's.

"The Grand Portage is on the north-west of lake Superior; on the western extremity of which is a village, called Fond du Lac Superior; at the former place there is generally assembled annually, in the months of May and June, about 1500 or 1600 British subjects, who are engaged in the Indian trade, and continue there till fall, when they again return to their wintering grounds. At this place are deposited the furs and peltries that are collected in the north-west; while goods from Montreal are deposited at Sault St. Mary's; and the British long since have had one, and I am informed now have two vessels on lake Superior, engaged in transporting goods from the one place, and furs and peltries from the other.

"The whole of the British traders, and the major part, if not all, of our own, who have any intercourse with the Indians north of this territory, or within it, or on either side of the Mississippi, receive their supplies at Sault St. Mary's, St. Joseph's and Michilimackinac. But the trade is almost exclusively in the hands of British subjects, who have three different routes by which they transport their goods; the first is through lake Superior, and westwardly, northwestwardly, and northwardly; the second is through lake Michigan into Green Bay, thence up Fox river, down the Quisconsin, and up the Mississippi and its various branches; the third is through lake Michigan into Illinois river, and down it to its mouth. Many of those Indians may go to Malden and receive presents; but for trade their dependence is exclusively upon the places above mentioned.

"A trade which has contributed in part to the flourishing condition of Montreal; which entirely supports several intermediate villages between it and the residence of the savages; which employs such a multitude of persons, and justifies such vast expenditures as are known to be made on its account, must be of great value, and cannot fail to prove that the Indians, with whom it is carried on, are immensely numerous.

"If British subjects have influence on Indians with whom they have exclusive trade; if we have a right to suppose they would exercise that influence to our injury; and if it can be shown that the capture of Malden in itself cannot cut off their intercourse or trade with the savages from whom we have most to apprehend, then I contend, as I suggested in my former letter, that we ought not to rely on the capture of Malden for our security, and that it would produce no greater effect at the present time upon the Indians than a decisive victory on our part elsewhere.

"It is certain that only a few years ago the whole or the major part of the merchandize brought from Montreal to Michilimackinac, was brought by the way of the Ottawas (by some called the Grand) river—it is navigated with canoes, carrying each seven thousand weight. From this river they go into lake Nepissing; thence down the French river to lake Huron; whence the goods are transported in large vessels to St. Joseph's, Mackinac, or Sault St. Mary's. By this route are carried all the goods destined for Grand Portage, Nippigon, Fond du Lac, and all the wintering places on lake Superior. By this route a great quantity of goods were last year brought to St. Joseph's, whence they were smuggled into this country by merchants at St. Louis, as well as by the celebrated Dickson and others. I have received this information from authority that cannot be questioned. It is true, the route by the Ottawas is a difficult one; but it can be performed in a much shorter time than that by Detroit. And neither the capture of Malden, Fort Eric, Navy Hall, or any other British station between Montreal and Detroit, could prevent this navigation; they may lead to consequences that may eventually effect it; but prudence requires that we should not prematurely anticipate them.

"Not long since I saw a letter from some person in Detroit, published, which stated, that no goods had passed there since last September. From this, calculations were made that the Indians could not receive their supplies at St. Joseph's. But with myself, it only confirmed the information which I had previously acquired, that goods were carried to that place by the Ottawas river. And I am convinced the Indians have received all the supplies that are usually distributed to them in this season of the year. And if so, we have just cause to apprehend present danger from them, whether the capture of Malden would or would not eventually cut off their trade with the British. If the trade and the war continue, we cannot doubt that their united influence on the Indians will produce hostile aggressions. If the trade be completely interrupted, the great body of men whom I have mentioned, as being engaged in it, must of course be thrown out of employment, and must return from necessity to Sault St. Mary's or St. Joseph's, when numbers of Indians will follow them—for if traders are prevented from going amongst those Indians, who, from habit, have become dependent on trade, as many of them as can will certainly go to the traders; and from this hopeful assemblage, we can expect nothing less than the most bloody warfare, until they are made to feel the necessity of submission.

"I have learnt that Mackinac is taken; and I think it a probable event; that this was contemplated before the declaration of war I have no doubt. On the first of May last, two Indians were apprehended at Chicago, who were on their way to meet Mr. Dickson at Green Bay; they had taken the precaution to put their letters in their mockasins, and bury them in the ground; and nothing being found on them, were permitted to proceed. A Mr. Frazier, from Praire du Chien, who went with Dickson to the Portage of Quisconsin, and who was present when the letters were received, states that Dickson was informed by them that he might expect to see the British flag flying on the American garrison of Michilimackinac. I also discover that John Askin was concerned in the capture of that fort, which increases the probability of it, as you will perceive by recurring to my late communications, that Cadot Dice and John Askin were collecting the Indians at Fond du Lac Superior, and at Matchidas on lake Huron, for hostile purposes. Convenient to this quarter we have a greater number of Indians whom we have a right to believe hostile, than threatens any other frontier. And as they can attack us with the greatest facility, and with the prospect of doing the most injury with the least danger to themselves, we have certainly much to apprehend from them if Mackinac be actually taken. Residing as they do seven or eight hundred miles at least from Malden, there can be very little danger of their uniting with the British against general Hull's army; the difficulty of obtaining provisions on their march, and the exposed situation in which they would leave their women and children and their villages, together with the superior inducement to attack this quarter, will be decisive in preventing their going to Canada. This is not mere speculation: for I am authorised to say, from a communication I read yesterday, that the Indians about Peoria have from such apprehension positively refused to accept an invitation to join the British at Malden. From all the information I can collect, the Indians every where appear to be united. The Chippeways are very numerous, and principally reside on the south side of lake Superior, and a very large proportion of them are convenient to the head of Quisconsin river.

"There are on the river St. Peters and its branches, 1919 lodges of Sioux, as I am informed by a man of veracity who has resided thirty-one years with them: allowing three men to each lodge (a very moderate calculation) they amount to 5757. On the river des Moins, which enters the Mississippi 20 leagues above St. Louis, the Jowas and some bands of Sioux reside.

"The Sacs and Foxes who live on the Mississippi, amount to 400 at least. The Kickapoos, Miamies, Pottawattamies, Ottawas and Chippeways, of the Illinois river and its branches, amount to about 500.

There are others between lake Michigan and the Mississippi, including Folles Avoines; of whose number I have no particular information.

"The Osages cannot amount to less than 1200.—The Shawanese and Delawares west of the Mississippi, I suppose must amount to 400. The Cherokees, Choctaws, Chickasaws, Creeks and some Catawbas, who have lately settled on White river in Missouri territory, within four or five days' journey of St. Genevieve, I have reason to believe amount to about 1000. I do not pretend to believe that the whole of those Indians will unite at one and the same time to attack us. But this I say without fear of contradiction, that, taking them in the aggregate, we have as much reason to believe they make a part of the hostile confederacy as any other. And if they are so disposed they can with more facility commit hostilities upon the settlements of the Mississippi than upon any others."

The Southern Frontier.

From the Tennessee Herald of September 5.

It has been expected for a long time that an English force would be thrown into Pensacola; it is now ascertained that black troops, under the command of British officers, have arrived from Cuba, and taken possession of that place; and are reconstructing the works for its defence.

The policy of stationing troops of that description upon our frontiers cannot be mistaken. The same band which has incited against us the scalping knife and the tomahawk of the Indians, will not stop to renew upon the Mobile and lower Mississippi the tragedy of St. Domingo.

The alarms of the people on the Mobile, are not without a foundation. On the north, and north-west six thousand Creeks and two thousand Choctaws divide them from the settled parts of the United States. On the south they are exposed to the incursion of the British and their black and Spanish allies: in their own bosom they contain a population which, if excited to insurrection, will require their whole force to keep it down.

Georgia and South Carolina cannot be supposed to be in a situation to afford them assistance; from Tenessee alone can they expect to receive aid; and Tennessee is three hundred miles from them. Remote from assistance, incapable of self protection, and surrounded by danger, this flourishing settlement is liable to become the theatre of great distresses.

No doubt can be enertained but that the troops from this state are destined by the general government to succour the settlements on the Mobile, to expel the British from West Florida, and to extend the boundaries of the republic to the gulf of Mexico. Nor will the president be disappointed in his expectation of finding in this state a force competent to the accomplishment of these objects. Forty thousand men, brave, robust and burning with impatience to emulate the fame of the young state of Ohio, present the materials from which a respectable army may be organised at the shortest notice.

There are still living among us many of those veterans whose courage triumphed over the British discipline at the battle of King's mountain; and of the early settlers of this country hardly one can be found who has not acquired the reputation of a soldier in the wars with the Indians.

Our local position places us at a distance from the ravages of the war. The arms of the English cannot reach us; the Indians she will excite will become the victims of their perfidious policy: the first effort of Tennessee will crush the whole of these savages that dare to lift their arms against us.

Our forces will therefore be at liberty to act upon any part of the continent where the public service shall require them; and the ardor of our young men impatient to receive the signal which shall call them from an inglorious repose to the field of honor and of danger.

Events of the War.

MILITARY.

A good exchange.—It is stated that lieut. col. Miller of the 4th regiment has been exchanged for capt. Dacres.

The British are making use of every means to defend themselves in Canada, and appear determined to dispute every inch of ground. The *surrender* at Detroit has given them great spirit and energy. On the other hand, gen. *Harrison* is by this time, in all probability, in *Upper Canada*, and due efforts are made to keep the forces in *Lower Canada* in check until the proper time arrives to pay that country a visit; a period not far distant, from present appearances.

Language fails when we attempt to speak of the people of *Ohio* and *Kentucky* as they deserve. Almost every man able to carry a musket seems willing to use it in defence of his country. More persons have marched from Kentucky than were wanted, and about 1200 have returned home severely mortified; but holding themselves in readiness for some future occasion. At the call of their beloved *Harrison* great numbers of mounted riflemen have marched to join him for an excursion of 30 or 40 days, finding themselves with provisions. These corps are designed to break up and destroy the Indian tribes and lay waste their country. The deluded murderers have brought themselves to destruction—through British influence. Many private letters from the western country inform us that the late depredations of the savages have wrought the people into a fury of resentment and vengeance. They will exact a terrible guarantee for the future safety of the frontiers.

It was the original design of government that gen. Winchester, a very reputable gentleman and an old revolutionary officer, should have the command of the army, destined, in the first instance, for the relief of general Hull, and, since his surrender, intended to regain the ground lost, &c. In consequence of which, after his arrival at Fort Wayne, general Harrison on the 19th ult. took leave of the army in a very affectionate manner, and set out for the Indiana territory with a body of troops, to break up the settlements of the savages. But the President of the United States, seeing the confidence that the western people in general reposed in gen. Harrison, had appointed him commander in chief; the commission for this purpose reached him a few days after his resignation of of it to general Winchester, and it *appears* he resumed it about the 23d of the same month at Fort Wayne, from whence a detachment of troops under general Winchester has marched to Fort Defiance, where it said a large body of *allies*, 3,000 strong, were collected. We are without particulars, but hope this report is true, believing it impossible they can escape Harrison & Winchester with their *mounted* riflemen, who amount to more than that number. Their whole force exceeds 10,000 men.

Col. Wilcox, with a regiment of Kentuckians, is at Fort Harrison, and will keep the Indians in check.

We learn from Buffalo that inspector gen. Smyth arrived there on the 24th ult. to take command of the United States troops at that post, about 1000 strong, besides militia and volunteers. The 14th regiment,

under col. Winder has arrived at the same place;—several other bodies of troops are expected.

AMERICAN SPIRIT.—The aged residents of the several towns composing the 2d regiment of the third division Massachusetts militia, who are by law exempt from military duty, feeling the spirit of '75 revived at the present crisis, have assembled, formed themselves into a company, and made choice of their officers. Among other aged patriots was the venerable JOSEPH RICHARDSON, 86 years old and having the same arms and equipments that he had when he faced the forces of the British tyrant at Lexington, on the memorable *nineteenth of April*, 1775. With other patriots of that day he ardently hopes that the United States will strenuously contend with England till that haughty power is compelled to acknowledge our rights. The company paraded on the 28th ult. the muster day of the 2d regt. and formed in line with them. They went through the various evolutions, firings, &c. of the regiment to the great acceptance of the commander of the day. At the close of the exercise, they marched to their place of rendezvous, where they were dismissed. May this example animate every son of freedom to gird on his sword when occasion calls, and never suffer posterity to become slaves to foreign tyranny.—*Bost. Chron.*

The detachment of Pennsylvania militia ordered to rendezvous at Pittsburg on the 2nd inst. were organized on the 5th by the adjutant-general, into two regiments, brigadier-general Crooks commands them. Four regiments are at Meadville under brig. gen. Tannehill.

A body of Indians attacked a party of our troops of about 100 men at Sandusky bay, the latter end of last month. They were driven back with considerable loss—six were killed and ten wounded on our part.

Among the volunteers from the state of Kentucky, are the following members of congress and members elect:

Saml. Hopkins, major-general; Richard M. Johnson, commanding a battalion of mounted infantry; John Simpson, captain; William P. Duvall, captain; Samuel M'Kee, private; Thomas Montgomery, private.

PLATTSBURG, Oct. 2.—Col. Larned, with a part of the 5th regiment of United States infantry, arrived at this place on Friday last.

A company of heavy artillery, commanded by capt. Crooks, arrived on Sunday.

A company of light horse volunteers, from Saratoga county, arrived on Monday.

The remainder of the 7th regiment of detached militia, commanded by col. Green, marched yesterday to the northward, for Chazy or Champlain.

Two chiefs of the Cohnawaga Indians, arrived at the head-quarters of gen. Bloomfield on Tuesday last. On Wednesday, attended by col. Clark, of the 11th regiment, they proceeded on to Greenbush.—The professed object of their mission is pacific. They were with gen. Brock at the surrender of Detroit.

Gen. Louis, of the St. Regis Indians, a firm and undeviating friend of the United States, and his son, have been in this village for several weeks. The St. Regis Indians are disposed to remain neutral in the present contest; but what effect the British influence and British success may have upon them we know not. Indians generally endeavor to keep on the strongest side—but in estimating the strength of the contending parties and their relative ability to harm them, they do not refer to our census, as a criterion by which to estimate our strength; the most forcible argument, and the one most sure to carry conviction to their minds, is a force sufficient to win the day; and they repair to the standard of the victor, as a shield from danger, without looking to future consequences.

MILITIA GENERAL ORDERS.

Head-Quarters, New-Orleans, August 28, 1812.

An enemy is at the Balize, and the mouth of the Mississippi blockaded. The fort of Plaquemine is menaced, and in its present situation greatly exposed. Gen. Wilkinson of the United States' army, who descends the river to-day with a suitable relief, has requested a detachment of militia to strengthen the garrisons of this city. The commander in chief deems this auxiliary force necessary, and will furnish it with pleasure. Unwilling, however, to designate the corps which shall first take up arms in defence of this section of the union, because each equally deserves the honor, and is doubtless desirous of receiving it, the commander in chief will, for the present, only express his wishes, he asks for three hundred volunteers, to do duty in the city and vicinity of New-Orleans for six months unless sooner discharged, and to enter upon service immediately. This detachment will be placed under militia officers, and will receive from the commanding general all the indulgencies which the service will admit. When a sister state, Ohio, turns out whole armies, surely Louisiana cannot hesitate to furnish detachments. In every generous breast, a love of *country* is the ruling passion, and the sweetest moments of life, are *those* we dedicate to its *service*. The commander in chief persuades himself that his fondest wishes will be met by the several corps on parade, and that they will to a man volunteer in defence "of their altars and fire sides." The soil where repose the ashes of our fathers and our friends, we will support against all attacks from without and from within, and with arms in our hands, we will quiet the fears of mothers, and give security to age, innocence and infancy.

WM. C. C. CLAIBORNE,
Governor and commander in chief.

ONONDAGA VALLEY, Sept. 30.—Col. Stranahan passed through this village on Wednesday week, at the head of 600 fine volunteers, and was joined here with about 500 drafted militia from Cortlandt, Broome, and Chenango counties. On Thursday colonel Milton, from Virginia, passed here with 500 regulars. Friday, two companies of artillery passed by here, with 4 field pieces, from Baltimore, and Philadelphia. On Sunday, 1000 regulars arrived here, pitched their tents, and tarried till Tuesday morning; when they again commenced their march in high spirits, and flying colors. Tuesday morning, a volunteer company of light-infantry passed by here from Cherry-Valley: they were in complete uniform, and in high spirits—they made a very handsome appearance. The whole number of regular troops and militia that have gone through here within a week, is not far from three thousand. There were sixty men from Otsego in colonel Stranahan's regiment, who volunteered their services, that were upwards of fifty years old, "and have once seen war."

It is reported here, that fifteen hundred Indians have embodied this side of Utica; and will march on to the frontiers in a few days, and join the American aamy. *Lynx.*

BUFFALOE Sept. 23.—On Thursday night last, Lewis Nyles, a centinel from lieut. col. Hopkins' regiment, posted near Fields' tavern, on the Niagara river, about seventeen miles below this place, was shot dead on his post, by some person, who being hailed by the centinel, replied that he had not got the *countersign* but a *written pass*, which he would show him; on being permitted to approach to the point of the bayonet, he drew a pistol from his bosom

and shot the centinel, and made his escape. The report of the pistol, and the cries of the centinel, gave an immediate alarm, and it was thought the person made his escape across the river to Grand-Island, as a boat was soon after heard on the river.

About 140 young warriors of the Seneca nation of Indians from Allegany river arrived in town last week are encamped near the village. More are expected from different parts. Several conferences and councils have lately been held with the chiefs They voluntarily offered to take up arms for defensive operations. Yesterday they performed a *war dance* in the streets of this village.

NAVAL.

The frigate President, com. Rodgers; United States, capt. Decatur; Congress, capt. Smith and Argus, lieut. Sinclair, sailed from Boston on the 8th inst. on a cruise—*It is said* they are to be joined by the Essex and Wasp in a certain latitude.

A cartel has arrived at New-York from New-Prodence, with 60 American prisoners, where many vessels, chiefly "*new-made* Spaniards" have been carried.

The spirit for privateering powerfully increases; and as it is a most effectual measure by which the enemy may be annoyed and brought to reason, we heartily rejoice at it. We every day learn of new privateers. We have attempted to make a list of them, and hope one day to give a satisfactory account of this species of our naval force. On the 5th inst. there sailed from Salem two very stout vessels—viz. the ship Alexander of 20 heavy guns and 155 men and the brig Thorn of 18 do. and 148 men. A very fine vessel, designed for a privateer was launched at Norwich, Con. on the 7th instant; and in almost every port similar proceedings are going on. A first rate vessel, called the Snapper was launched at Philadelphia, a few days ago, being built in six weeks—another at New-York, &c. &c.

The privateer Paul Jones has returned to port after a cruise of three months, in which she is supposed to have sailed 9000 miles.

The British harvest seems pretty well over for the present. During the two weeks preceding the date of the last accounts from Halifax, not one prize arrived at that port.

Admiral Warren remained at Halifax at our last dates.

BRITISH ACCOUNT.

Extract from the log-book of an officer, who was on board his majesty's ship Guerriere, in the late action.

"His majesty's ship Guerriere, being on her return from a cruise, her foremast and bowsprit crippled, and most of her fore rigging gone—on the 19th August, lat. 40, 20, N. and long. 55, W. at 2 o'clock, P. M. saw a sail on her weather beam, coming down before the wind; made sail in chase. Went to quarters and cleared for action—at 4 o'clock the chase was discovered to be the United States' frigate Constitution, which we had formerly chased off New-York, but which had escaped, by superior sailing, from the English squadron. Hauled up the courses, took in the top-gallant-sails, backed the main-topsail, and hoisted an ensign at each mast-head. The enemy shortened sail and hauled to the wind. Filled our main-topsail. At 4h. 15m. the Constitution bore up and hoisted her colors at each mast-head. Fired a shot over her; and finding it to go about 1-2 a mile beyond him, gave him our starboard broadside, and wore to give him our larboard. At 4h. 20m. the enemy commenced firing, wore several times to avoid being raked, exchanging broadsides. At 5th our opponent closed within half pistol shot on our starboard beam, both steering free, and keeping up a heavy fire. At 5h. 20m. the mizen mast was shot away, fell over our starboard quarter, and brought the ship to the wind, against her helm, which exposed us to a heavy raking fire from the enemy, who placed himself on our larboard bow; a few only of our bow guns could be brought to bear on him:—whilst his grape shot, and riflemen in his tops, were sweeping our decks. At 5h. 40m. the ship not answering her helm, he attempted to cross our bows and lay us on board. At 5h. 55m. our bowsprit got foul of his larboard quarter. Got the boarders up to board him; but the sea running too high it was found to be impracticable. Both ships keeping up a fire with musketry, and we with the bow gun, the only one that would bear. At this time most of our men on the quarter deck and the forecastle were picked off by his musketry. At 6h. 20m. the ship coming to, we brought some of the bow guns to bear on him, and got clear of the enemy. The fore and main mast then went over the starboard side, and completely disabled our guns. The Constitution immediately made sail a-head, leaving the Guerriere an unmanageable wreck. All hands were immediately employed in clearing the wreck in hopes of being able to get the ship before the wind to recommence the action; but just as we had completed clearing her, the sprit-sail yard went away, and left the ship in the trough of the sea, rolling her main deck guns under water. Our opponent, by this time, had refitted and wore round to rake us; and all attempts to get the ship before the wind, or to bring any of our guns to bear, proving in vain—the ship in a sinking condition—much shattered in her hull, many shot between wind and water, with one third of her crew killed and wounded, capt. Dacres called his remaining officers together—when all were of opinion, that any further resistance would be a useless expence of lives. At. 5h. the jack was taken from the stump of the mizen-mast.

The Guerriere was a frigate of 1084 tons burthen, taken from the French in 1806, and had 302 men and boys belonging to her; but the 2d lieutenant, 2d of marines, 3 midshipmen, and 25 men, were away in prizes; there were 10 American seamen on board, who had belonged to her for some years; but as the declaration of war against Great Britain was not known when she sailed, there had been no opportunity of discharging them; and capt. Dacres considering it as unjust to compel a native of the United States to fight against his countrymen, granted them permission to quit their quarters and go below—so that we had only actually in action 244 men and 39 boys.

The Constitution is a frigate of upwards of 1600 tons burthen, having on board 480 men, mounting 15 long 24 pounders on each side of her gun deck, 12 carronades and a long 8 pounder on each side of her spar deck.

American Prizes.

(WEEKLY LIST—CONTINUED FROM PAGE 94.)

209. Ship John, 14 guns, 35 men, 400 tons burthen, from Demarara for Liverpool, laden with 742 bales cotton, 230 hhds. sugar, 105 puncheons of rum, 50 casks and 300 bags coffee, with a large quantity of old copper and dye wood, worth at least $150,000, sent into Baltimore by the Comet of that port.

210. Ship Commerce, 14 guns, long nines, —— men, from 4 to 500 tons burthen, from Demarara for London, very richly laden with sugar, rum, cotton and coffee, and as valuable as the John, above mentioned, sent into Portland by the Decatur of

Newburyport. The captain and several of the crew were killed by the first broadside from the privateer.

211. Brig Industry, 10 guns—from Surrinam for London, with a valuable cargo of sugar, cotton, coffee, &c. sent into Wilmington, N. C. by the Comet of Baltimore. ☞ The *Comet* overhauled every vessel she chased during her cruise, and took every British vessel she saw; yet made only *four* prizes—but they were worth 400,000 dollars, and have all safely arrived.

212. Privateer schooner Frances of Nassau, N. P. 4 guns and 30 men—a fine fast sailing vessel, sent into Baltimore by the Dolphin of that port.

213. Privateer ———, taken by the Rapid of Charleston, and burnt.

214. Brig Tor Abbey, laden with dry fish, sent into Cape Ann by the Thresher privateer. A valuable vessel.

215. Brig Mary, from St. Johns for England, laden with timber, sent into Charleston by the Benjamin Franklin privateer.

216. Ship Princess Amelia, 8 guns, 9 pounders, 30 men, from the Leeward islands for England with the September mail, and several passengers; captured, after a very obstinate and gallant defence, by the Rossie of Baltimore, and sent into Savannah.—The captain of the packet and one man killed and 7 wounded; and on board the Rossie, the first officer and 7 men wounded. The passengers in the packet speak in the most handsome terms of the polite treatment they received from com. *Barney*.

217. Schooner ———, laden with sugar, flour, &c. an assorted cargo, sent into Portland by the Teazer privateer.

218. Brig ———, from Madeira for London, laden with choice wine, sent into Newburyport by the Marengo of New York.

219. Brig Orient, from Quebec for England, laden with timber, sent into Portland by the Teazer privateer.

British Goods.

It is a matter of much and various interest to the people at large to be informed, that a very great supply of British goods has been received in the United States, and for sale in the several cities and towns accustomed to import them. Additional ship loads are almost daily arriving, and the stock is, or probably will be, three times larger than at any former period. The vessels that have been sent into Halifax are given up, and all having *licences* are to be respected by the *British* cruisers. The goods on their arrival here are obtained by the importers, by a *judicial* proceeding, on giving bond to abide the decision of the court on the *non-importation* law. The price of these goods is considerably reduced, not only from the quantity thrown into the market, but from an expectation that the war may not last long, or that "*ways and means*" may be found to receive them, if it should continue—but they are, nevertheless, much dearer than they used to be, and will be chiefly purchased by those who cannot conveniently obtain a supply of *home-spun*, which is better and cheaper. These importations have had some effect on the price of British bills, which are now readily disposed of at *only 20 per cent.* under par; which shews that *all* the goods were not paid for, as was reported. Some persons have estimated that the *duties* on the present year's supply will amount to twenty millions of dollars; and, indeed, they will probably reach that enormous sum, let the ultimate fate of the property be what it may. Report says it will be restored to the claimants. With the bustle of imports and exports—the receipt of *British* goods and the supply of the *British* armies with flour and grain, it is hard to believe that we are really at war.

"The Common Law."

About two years ago, a wealthy monster in the island of Nevis, compelled his slaves, about 600 in number, in addition to their day-labor, to perform night-work, when the light of the moon made it practicable. Some of the slaves manifested their repugnance to this unnatural toil; on which he took twenty of them to the market place of the little town on the island, and caused them to receive as high as 265 lashes, in the presence of several *magistrates* and *clergymen*, who refused to interfere in behalf of the mangled wretches. But the *House of Assembly*, for the sake of humanity and credit of the island, took up the case: they publicly reprobated his conduct, and adopted measures to bring him to legal punishment, for violating the laws which forbid the *excessive* labor of slaves. The matter was tried, and the planter acquitted, through the power of his money, and 'the glorious uncertainty of the law.' He threatened the General Assembly with vengeance, and instituted an action at COMMON LAW, against the editor of the *St. Christopher's Gazette*, (of which island Nevis is a dependency) *for publishing the proceedings of the legislature on his case;* and so popular was the prosecution, that a jury staid out of court three days—for they wished to find him guilty, though satisfied of his innocence of intention. A new trial at length took place, and the verdict was contained in these very remarkable words—"*guilty of publishing a libel issued by the House of Assembly of Nevis, under a mistaken opinion that it was not a libel, and that the authority of that body justified his publishing their resolutions.*" The sentence was—"*to be imprisoned three months and find security for his good behavior for three years.*" This was carrying the matter to the very extent of lord *Mansfield's* doctrine, and excited great sensibility in England. The case being reported to the prince regent, to his credit be it said, he immediately ordered a solemn investigation of the whole business, by honest and impartial men, for the punishment of the villainy from first to last—and directed that the magistrates who might have known or prevented the outrage, should be deprived of their offices in the most disgraceful manner possible.—But the printer had no redress.

Steam Engines.

Extract of a letter dated Lexington, (Kentucky,) August 20th 1811, from Mr. Luther Stephens, to Oliver Evans.

"I have got our new steam engine in motion, and it exceeds my most sanguine expectations: the power is sufficient to run four pair of five feet mill-stones; it is hardly possible that any thing could work better; I have made it on the inexhaustible principle, which works completely, and we use no more water (in the boiler) than what is decomposed and discharged in air, which is not more water in twenty-four hours than would be carried in steam in twenty minutes, without that principle; but this is mere conjecture, as I have not ascertained the quantity, but I may say with safety that all the principles are sufficiently proved, which with the simple plan of one valve completes the engine, so that it may now be pronounced in its present state, the most simple, powerful, durable and cheap, of any that is yet in use, and applicable to any purpose for which such a power may be wanted. It is so simple that any common mecha-

nic could be taught to attend it in a few days. The boilers will keep clear of scale or sediment, when worked with limestone, salt or muddy water, and less fuel will be required, not more than two cords of wood in twenty-four hours to drive four pair of five feet mill-stones, so that you may esteem the inexhaustible principle one of your greatest discoveries."

N. B. You are at liberty to publish such part of the above letter, as you may think would be useful to the public.

Extract of a letter dated Middletown, Connecticut February 27 1812, from Mr. Arthur W. Magil, superintendant for the Middletown manufacturing company to the same.

"It is nine months since we have had your improved steam engine in operation, we have been gradually loading it with machinery, and have now got all that we intend for the present at work. It is with much pleasure we make known to you our high opinion respecting it. We consider it in every respect superior to Bolton and Watts improved engine. Its simplicity is such, that a lad of common parts can take care of it with a days instruction. Very little sediment collects in the boilers, an examination of them twice a year is sufficient.—The piston requires packing once a month. The rotatory valve is an important improvement, your method of applying the steam is so obviously preferable to the English method of using it to form a vacuum, that your engines must before long be universally adopted. The steam that has done its work enables us to warm our rooms in winter, so that the risque from fire is greatly lessened. Our engine requires about three quarters of a cord of wood, to work twelve hours with our present machinery."

Extract of a letter dated Vidalia, (opposite Natchez) April 4th 1812, from Reuben Nichols to the same.

"It is with the greatest satisfaction I take up my pen to inform you of the wonderful performance of our engine. We are driving at present three saws and mill-stones with great ease; it does not appear to me that we use one half its power; I can make it strike as many strokes as I please. I have made it strike rising seventy (double) strokes per minute, and still keep up the steam. The condensing apparatus works complete. It is viewed with admiration and astonishment by every one who sees it perform."

Extract of a letter dated Natches, March 12, 1812, to the same.

"Then you may be sure that the vessel will go as you calculate, at the rate of eleven miles per hour. I am confident of it, after what I have seen of the steam-boat that runs from this to New-Orleans."

N. B. The gentleman had seen the Engine at Vidalia working, where there is a boat building to be driven by such an engine.

The cylinders of those engines are only nine inches and a half in diameter, the stroke of the piston three feet four inches; they are capable of doing as much work of any kind to which they can be applied, as seventy-two horses.

The price of such engines warranted at present, is $6000 paid down, but if it be warranted to work four years without repair, and to grind 20 bushels grain per hour, or saw 5000 feet of boards in 12 hours and a district be granted with it to secure against immediate competition, the price will be $10,000, (or the same price of English engines of same power) one half of the money to be paid down, the rest on interest, $1000 deducting repairs to be paid annually until all be paid.

This improvement is worthy the attention of those who are getting steam-engines for any purpose. The time will soon come when they will be willing to throw aside the ponderous complex feeble and expensive engines, to adopt the use of those light, powerful, simple and less expensive improved ones as hundreds have already done, with the other inventions and improvements of the inventor, the use of which they at first rejected, while others adopted them and were saving thousands of dollars by their use. G. C.

Modern Antiquities!

The following list of privateers fitted out of the port of New-York in the year 1758, from the commencement of the then French war, is copied from Gaine's pocket almanac for the following year.

	Guns.	Men.
Ships Sturdy-Beggar, Troup	26	200
—— General-Wolfe, Seymour	24	200
—— General-Amherst, Koffler	20	150
—— Colonel-Prevost, Caldwell	20	150
—— Royal-Hunter, Harrison	20	150
—— Blakeney, White (lost)	20	150
—— Hercules, Miller	18	140
—— King of Prussia, Donalson	18	140
—— Duke of Cumberland, Lilly	16	140
—— Oliver Cromwell, Nicoll	16	140
—— St. George, Devereaux	16	140
—— General Johnson, Little	16	140
—— Tartar, Lawrence	16	140
Snows Boscawen, Rutgers	16	130
—— Royal Hester, Dale	16	130
—— Cicero, Smith (taken)	14	120
—— Dreadnought, Taylor	14	120
—— Prince Fedinand, Muzzay	14	120
—— Abercrombie, Valentine	14	120
—— Greyhound, Stoddard	14	120
—— Revenge, Pell	14	120
—— Neptune, Thompson (taken)	14	120
—— Hornet, Spelling (taken)	14	120
Brigs Earl of Loudonn, Wallace	14	120
—— Johnson, Horton	14	120
—— True Triton, Masterton	14	120
—— King George, Leaycraft	14	120
—— Hawke, Harrison	14	120
—— Prince of Orange, Thomas	12	110
—— De Lancy, Skinner	12	110
—— Mary, Pell (taken)	12	110
—— Hope, M'Daniel	12	110
—— Charming Sally, Dwight	12	110
—— Duke of Marlborough, Fenton	12	100
—— George, Haley	12	100
—— Prince-George, Muzzay (lost)	12	100
—— New-York, Doran	12	100
—— Columbine, Lane	12	100
Barque Decoy, Knights, (taken)	6	40
Schr. Sampson, Phœnix	11	100
Sloops Goldfinch, Dobbs	12	100
—— Squirrel, Law	12	100
—— Fox, Crew	14	100
—— Catherine, Sears	12	100
—— Hardy, Grantham (lost)	12	100
—— Prince-Edward, Hickey,	10	40
—— Harlequin, Wright	10	50
—— Bradstreet, Bickers, (lost)	8	40
—— Tiger, M'Dougall	8	40

In all, 48 vessels, carrying 695 guns and 5,660 men.

College of Medicine.

Having been appointed a committee "to prepare a statement with regard to the condition and prospects of this institution, to the progress of the building for the accommodation of the class, to the courses of lectures to be delivered here next winter, &c."

We proceed to state, that, from the number of students who attended our college last winter, under temporary inconveniences with which we then had to contend, but which will have been entirely obviated by the commencement of our next course, from the conspicuous merit of our graduates last spring, from the zealous support of which we have been assured by physicians in various directions, from our central situation, and from other local advantages, we calculate on having a very respectable class next winter.

We are, moreover, enabled to state with confidence that the building for the accommodation of the professors and students, which is already in great forwardness, will be prepared for the reception of the class, by the 1st of November, and that the lecturing rooms will be convenient, comfortable and capable of containing from six to eight hundred persons, and that there are apartments, in the same building calculated to favor the cultivation of practical anatomy, by students.

We think it proper to remark also, that for the purpose of rendering the whole course of instruction in this institution more complete, several changes have been made in the professorships, and some additional professorships have been created and filled

The permanent arrangement of professorships is as follows:

Of anatomy, &c. by James Cocke, M. D.

Of the practice and theory of medicine, by Nathaniel Potter, M. D.

Of chemistry, by Elisha De Butts, M. D.

Of materia medica, by Samuel Baker, M. D.

Of the institutes of medicine or principles of physick, by John B. Davidge, M. D.

Of surgery, by Wm. Gibson, M. D.

Of obstetricks, including the diseases of women and children, by John B. Davidge, M. D. and Richard W. Hall, M. D.

We are happy to inform the Regents, that from the personal attention of Dr. De Butts in different parts of the United States, considerable improvements have been made in the apparatus attached to the chemical department.

The course of instruction in the College of Medicine of Maryland, will commence annually on the first Monday of November, and be concluded by the last day of February.

JAMES COCKE,
JOHN B. DAVIDGE,
WM. GIBSON.

It was resolved by the Regents, That the above statement and the two following resolutions should be published in the newspapers as extensively as possible.

Resolved, That as an expression of the estimation in which the College of Medicine of Maryland holds classical learning, and as an encouragement to medical students who may attend this institution to possess themselves of such attainments, the Regents, will give annually to the graduate who shall present the thesis best written in the Latin language, a gold medal.

Resolved, That all graduates in the arts and sciences who may take degrees in physick in this institution shall be exempt from the ordinary expence of graduation. JAMES COCKE, M. D. *Sec'ry.*

Baltimore, 24th August, 1812.

The Chronicle.

Henry M. Ridgely and Thomas Cooper, Esquires, have been elected representatives in the 13th congress, from the state of Delaware. They are federalists.

Messrs. Magruder and Destrehan have been elected senators of the United States by the General Assembly of Louisiana. They are republicans.

Lord Wellington entered MADRID on the 11th of August, amidst the shouts of the people. King Joseph is said to have retired to Valencia, where Suchet commands. The siege of Cadiz has probably been raised; and it appears possible that the French may be compelled to abandon Spain altogether, for the present, if the attention of Napoleon shall be drawn, with his mighty armies, to the North, much longer. Sweden has certainly allied herself with England and Russia, and was about to bring a considerable number of troops into the field.——But though the army under *Marmont* appears to have been completely broken up, *Soult's* force was entire at the last dates, and *Suchet* had under him from 25 to 30,000 veterans, being joined by the troops from Madrid retiring with Joseph. This force will, probably, be greatly augmented, by the corps of *Marmont's* army, escaping the enemy—he *may* form a junction with *Soult,* and speedily give a new face to the affairs of Spain.

Died on Saturday evening last, after a short illness, WILLIAM WOOD, Esqr. his Britannic majesty's consul for the state of Maryland.

The *government* of Portugal has issued a proclamation of neutrality, in the war between the United States and Great Britain, forbidding the introduction of prizes by either party, "except in cases where the laws of nations require it," which, however, shall not be sold or unladen, "or permitted to remain longer than may be necessary to avoid danger or procure innocent succors."

By an arrival from Porto Cavello we learn that the *royal* patriots have the *loyal* traitor MIRANDA in irons. They will probably cut off his head. The royalists have seized upon all the American vessels within their reach, which were expected to be condemned as good prizes, upon what ground is not stated.

Maryland Election. We were misinformed last week on the result of the election in Anne Arundle county—four republicans were chosen. The house of delegates will therefore consist of 54 federalists and 26 republicans.

By an arrival at Boston we learn that the royalists of Montevideo had projected a counter revolution at Buenos Ayres. It was to have broken out on the 4th of July—but the plot was discovered, and 27 of the conspirators seized, and put to death. In consequence of this treachery, the republicans had declared war against the tories, and marched 5,000 to Montevideo.

It is reported that admiral Warren has not the powers of a peace-maker, as has been attributed to him; but *it is said,* a minister will soon be sent from England for the special purpose of opening a negociation. Energy, with union, will soon bring this event about, admitting the present rumor to be unfounded.

Mr. Alexander Contee Hanson and his associates, who defended the house in Charles street, in this city, on the night of the 27th July, indicted for manslaughter, have had their trial at Annapolis, and are acquitted. As the case involves much legal matter, a report of it shall be inserted in the Register, if obtained.

The general election was held in Pennsylvania on Tuesday last—the republicans have had their usual success, and in Philadelphia have also elected their candidates for the offices in the corporation by a majority of about 100 votes. It is probable that every representative in Congress will be republican.

THE WEEKLY REGISTER.

No. 8 of vol. III.] BALTIMORE, SATURDAY, October 24, 1812. [whole no. 60

Hæc olim meminisse juvabit.—Virgil.

Printed and published by H. Niles, South-st. next door to the Merchants' Coffee House, at $ 5 *per annum*.

Constitution of New-Hampshire.

(Concluded from page 99.)

EXECUTIVE POWER.—GOVERNOR.

The governor shall be chosen annually, in the month of March; and the votes for governor shall be received, counted, certified, and returned in the same manner as the votes for senators; and the secretary shall lay the same before the senate and house of representatives on the last Wednesday of October, to be by them examined; and in case of an election by a majority of votes through the state, the choice shall be by them declared and published.

And the qualifications of electors of the governor shall be the same as those for senators; and if no person shall have a majority of votes, the senate and house of representatives shall, by joint ballot, elect one of the two persons having the highest number of votes, who shall be declared governor.

And no person shall be eligible to this office unless at the time of his election he shall have been an inhabitant of this state for seven years next preceding, and unless he shall be of the age of thirty years, and unless he shall, at the same time, have an estate of the value of five hundred pounds, one-half of which shall consist of a free-hold in his own right, within this state.

In cases of disagreement between the two houses, with regard to the time or place of adjournment or prorogation, the governor, with advice of council, shall have a right to adjourn or prorogue the general court, not exceeding seven months at any one time, as he may determine the public good may require, to meet at the place where the general court shall be at that time sitting; and he shall dissolve the same seven days before the said last Wednesday in October.

And, in case of any infectious distemper prevailing in the place where the said court at any time is to convene, or any other cause whereby dangers may arise to the health or lives of the members from their attendance, the governor may direct the session to be holden at some other, the most convenient place within the state.

Every bill which shall have passed both houses of the general court shall, before it become a law, be presented to the governor; if he approve, he shall sign it, but if not, he shall return it, with his objections to that house in which it shall have originated, who shall enter the objections at large on their journal, and proceed to re-consider it; if, after such re-consideration, two-thirds of that house shall agree to pass the bill, it shall be sent, together with such objections, to the other house, by which it shall likewise be re-considered, and if approved by two-thirds of that house, shall become a law. But in all such cases, the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for or against the bill, shall be entered on the journal of each house respectively. If any bill shall not be returned by the governor within five days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the legislature, by their adjournment, prevent its return; in which case it shall not be a law.

Every resolve shall be presented to the governor, and before the same shall take effect, shall be approved by him, or being disapproved by him, shall be re-passed by the senate and house of representatives, according to the rules and limitations prescribed in the case of a bill.

All judicial officers, the attorney general, solicitors, all sheriffs, coroners, registers of probate, and all officers of the navy, and general and field officers of the militia, shall be nominated and appointed by the governor and council: and every such nomination shall be made at least three days prior to such appointment, and no appointment shall take place unless a majority of the council agree thereto. The governor and council shall have a negative on each other, both in the nominations and appointments. Every nomination and appointment shall be signed by the governor and council, and every negative shall be also signed by the governor or council who made the same.

The captains and subalterns in the respective regiments, shall be nominated by the field officers, and if approved by the governor, shall be appointed by him.

Whenever the chair of the governor shall become vacant, by reason of his death, absence from the state or otherwise, the president of the senate, shall, during such vacancy, have and exercise all the powers and authorities which, by this constitution, the governor is vested with, when personally present; but when the president of the senate shall exercise the office of governor he shall not hold his office in the senate.

The governor, with the advice of council, shall have full power and authority, in the recess of the general court, to prorogue the same from time to time, not exceeding seven months, in any one recess of said court; and during the session of said court, to adjourn or prorogue it to any time the two houses may desire, and to call it together sooner than the time to which it may be adjourned or prorogued, if the welfare of the state should require the same.

The governor of this state for the time being, shall be commander in chief of the army and navy, and all the military forces of this state, by sea and land; and shall have full power by himself or by any chief commander, or other officer or officers, from time to time, to train, instruct, exercise and govern the militia and navy, and for the special defence and safety of this state, to assemble in martial array, and put in warlike posture, the inhabitants thereof, and to lead and conduct them, and with them encounter, repulse, repel, resist, and pursue, by force of arms, as well by sea as by land, within and without the limits of this state; and also to kill, slay, destroy, if necessary, and conquer by all fitting ways, enterprize and means, all and every such person and persons as shall at any time hereafter in a hostile manner, attempt or enterprise the destruction, invasion, detriment or annoyance of this state; and to use and exercise over the army and navy, and over the militia in actual service, the law martial in time of war, invasion, and also in rebellion, declared by the legislature to exist, as occasion shall necessarily require. And surprise, by all ways and means whatsoever, all and every such person or persons, with their ships, arms ammunition and other goods, as shall in a hostile manner invade, or attempt the invading, conquering, or annoying this state: And in fine, the governor is hereby entrusted with all other powers incident to the office of captain-general and commander in chief, and admiral, to be exercised, agreeably to the rules and regulations of the constitution, and the laws of the land: Provided, that the governor shall not at any time hereafter by virtue of any power by this constitution granted, or hereafter to be granted to him by the legislature, transport any of the inhabitants of this state, or oblige them to march out of the limits of the same, without their free and voluntary consent, or the consent of the general court, nor grant commissions for exercising the law martial, in any case, without the advice and consent of the council.

The power of pardoning offences, except such as persons may be convicted of before the senate, by impeachment of the house, shall be in the governor, by and with the advice of the council:—but no charter of pardon granted by the governor, with advice of council, before conviction, shall avail the party pleading the same, notwithstanding any general or particular expressions contained therein, descriptive of the offence or offences intended to be pardoned.

No officer duly commissioned to command in the militia shall be removed from his office, but by the address of both houses to the governor, or by fair trial in court martial, pursuant to the laws of the state for the time being.

The commanding officers of the regiments shall appoint their adjutants and quarter-masters; the brigadiers, their brigade majors; the major-generals, their aids; the captains and subalterns, their non-commissioned officers.

The governor and council shall appoint all officers, of the continental army, whom by the confederation of the United States, it is provided that this state shall appoint; as also all officers of forts and garrisons.

The division of the militia into brigades, regiments and companies, made in pursuance of the militia laws now in force, shall be considered as the proper division of the militia of this state, until the same shall be altered by some future law.

No monies shall be issued out of the treasury of this state, and disposed of, except such sums as may be appropriated for the redemption of bills of credit, or treasurer's notes, or for the payment of interest arising thereon, by warrant under the hand of the governor for the time being, by and with the advice and consent of the council, for the necessary support and defence of this state, and for the necessary protection and preservation of the inhabitants thereof, agreeably to the acts and resolves of the general court.

All public boards, the commissary-general, all superintending officers of public magazines and stores, belonging to this state, and all commanding officers of forts and garrisons within the same, shall once in every three months, officially, and without requisition, and at other times, when required by the governor, deliver to him an account of all goods, stores, provisions, ammunition, cannon, with their appendages and small arms, with their accoutrements, and of all other public property under their care respectively; distinguishing the quantity and kind of each, as particularly as may be; together with the condition of such forts and garrisons: and the commanding officer shall exhibit to the governor, when required by him, true and exact plans of such forts, and of the land and sea, or harbor or harbors adjacent.

The governor and council shall be compensated for their services from time to time, by such grants as the general court shall think reasonable.

Permanent and honorable salaries shall be established by law, for the justices of the supreme court.

COUNCIL.

There shall be annually elected, by ballot, five counsellors, for advising the governor in the executive part of the government.—The freeholders and other inhabitants in each county, qualified to vote for senators, shall, sometime in the month of March, give in their votes for one counsellor; which votes shall be received, sorted, counted, certified, and returned to the secretary's office, in the same manner as the votes for senators, to be by the secretary laid

before the senate and of house representatives on the last Wednesday in October.

And the person having a majority of votes in any county shall be considered as duly elected a counsellor; but if no person shall have a majority of votes in any county, the senate and house of representatives shall take the names of the two persons who have the highest number of votes in each county, and not elected, and out of these two shall elect, by joint ballot, the counsellor wanted for such county.

Provided nevertheless. That no person shall be capable of being elected a counsellor who has not an estate of the value of five hundred pounds within this state, three hundred pounds of which (or more) shall be a freehold in his own right, and who is not thirty years of age; and who shall not have been an inhabitant of this state for seven years immediately preceding his election; and at the time of his election, an inhabitant of the county in which he is elected.

The secretary shall, annually, seventeen days before the last Wednesday in October, give notice of the choice of persons elected.

If any person shall be elected governor or member of either branch of the legislature, and shall not accept the trust; or if any person elected a counsellor shall refuse to accept the office; or in case of the death, resignation, or removal of any counsellor out of the state, the governor may issue a precept for the election of a new counsellor in that county where such vacancy shall happen: and the choice shall be in the same manner as before directed: and the governor shall have full power and authority to convene the council from time to time, at his discretion: and with them, or the majority of them may, and shall, from time to time, hold a council, for ordering and directing the affairs of the state, according to the laws of the land.

The members of the council may be impeached by the house, and tried by the senate, for bribery, corruption, mal-practice or mal-administration.

The resolutions and advice of the council shall be recorded by the secretary in a register, and signed by all the members present, agreeing thereto; and this record may be called for at any time by either house of the legislature; and any member of the council may enter his opinion contrary to the resolutions of the majority, with the reasons for such opinion.

The legislature may, if the public good shall hereafter require it, divide the state into five districts, as nearly equal as may be, governing themselves by the number of rateable polls, and proportion of public taxes; each district to elect a counsellor: and, in case of such division, the manner of the choice shall be conformable to the present mode of election in counties.

And whereas, the elections, appointed to be made by this constitution, on the last Wednesday of October, annually, by the two houses of the legislature, may not be completed on that day, the said elections may be adjourned from day to day, until the same may be completed; and the order of the elections shall be as follows: the vacancies in the senate, if any, shall be first filled up: the governor shall then be elected, provided there shall be no choice of him by the people: and afterwards the two houses shall proceed to fill up the vacancy, if any, in the council.

SECRETARY, TREASURER, COMMISSARY-GENERAL, &c.

The secretary, treasurer, and commissary-general, shall be chosen by joint ballot of the senators and representatives assembled in one room.

The records of the state shall be kept in the office of the secretary, and he shall attend the governor and council, the senate and representatives, in person, or by deputy, as they may require.

The secretary of the state shall, at all times, have a deputy, to be by him appointed; for whose conduct in office he shall be responsible. And in case of the death, removal or inability of the secretary, his deputy shall exercise all the duties of the office of secretary of this state, until another shall be appointed. The secretary, before he enters upon the business of his office, shall give bond, with sufficient sureties, in a reasonable sum, for the use of the state, for the punctual performance of his trust.

COUNTY TREASURER, &c.

The county treasurers and registers of deeds, shall be elected by the inhabitants of the several towns, in the several counties in the state, according to the method now practised, and the laws of the state.

Provided nevertheless, The legislature shall have authority to alter the manner of certifying the votes, and the mode of electing those officers; but not so as to deprive the people of the right they now have of electing them.

And the legislature, on the application of the major part of the inhabitants of any county, shall have authority to divide the same into two districts, for registering deeds, if to them it shall appear necessary; each district to elect a register of deeds: and before they enter upon the business of their office, shall be respectively sworn faithfully to discharge the duties thereof, and shall severally give bonds, with sufficient sureties, in a reasonable sum, for the use of the county, for the punctual performance of their respective trusts.

JUDICIARY POWER.

It shall be the duty of the general court to make a reform in the judiciary system, that justice may be administered in a more cheap and expeditious manner than is now practised, and that no party shall have a review after the cause has been determined against him twice by jury.

The general court is hereby empowered to make alterations in the power of jurisdiction of the courts of common pleas, and general sessions of the peace, respectively: or, if they shall judge it necessary for the public good, to abolish those courts, or either of them, and invest such other courts as they may establish, with the jurisdiction and powers now vested in the court of common pleas, and courts of general sessions of the peace, as the general court may, from time to time, judge expedient for the due administration of law and justice.

And it shall be the duty of the general court, to vest in such court or courts of law, as to them may appear expedient, the power of granting new trials, or a trial after judgment, either upon verdict of a jury, default, non-suit, or complaint, for affirmation of judgment, in all cases where substantial justice has not been done, except as before excepted, in such manner and under such restrictions and regulations as to the general court may appear for the public good: provided application be made for such review or trial within one year from the rendition of judgment.

For the more effectual preserving the proper separation of the three great powers of government, agreeably to the 37th article in the bill of rights, the power of hearing and deciding in cases of equity, shall be vested either in some judicial court or courts, or in some court to be established specially for that purpose: provided no power shall be granted to any such courts, incompatible with the bill of rights and constitution. And the powers of said court shall be limited and defined by express laws: and no suit in equity shall be sustained where clear and adequate remedy may be had at law.

The general court are empowered to give to justices of the peace, jurisdiction in civil causes, when the damages demanded shall not exceed *four pounds*, and title of real estate is not concerned: but with right of appeal to either party, to some other court, so that a trial by jury in the last resort may be had.

No person shall hold the office of a judge in any court, or judge of probate, or sheriff of any county, after he has attained the age of seventy years.

No judge of any court or justice of the peace, shall act as attorney, or be of counsel, to any party, or originate any civil suit, in matters which shall come or be brought before him as judge or justice of the peace.

All matters relating to the probate of wills, and granting letters of administration, shall be exercised by the judges of probate, in such manner as the legislature have directed or may hereafter direct; and the judges of probate shall hold their courts at such places or places, on such fixed days as the convenience of the people may require, and the legislature from time to time appoint.

No judge, or register of probate, shall be of counsel, act as advocate, or receive any fees as advocate or counsel, in any probate business which is pending or may be brought into any court of probate in the county, of which he is judge or register.

CLERKS OF COURT.

The judges of the courts (those of the probate excepted) shall appoint their respective clerks, to hold their office during pleasure; and no such clerks shall act as an attorney or be of counsel, in any cause in the court of which he is clerk, nor shall he draw any writ originating a civil action.

ENCOURAGEMENT OF LITERATURE, &c.

Knowledge and learning, generally diffused through a community, being essential to the preservation of a free government; and spreading the opportunities and advantages of education through the various parts of the country, being highly conducive to promote this end: it shall be the duty of the legislators and magistrates, in all future periods of this government, to cherish the interest of literature and the sciences, and all seminaries and public schools, to encourage private and public institutions, rewards and immunities for the promotion of agriculture, arts, sciences, commerce, trades, manufactures, and natural history of the country; to countenance and inculcate the principles of humanity and general benevolence; public and private charity, industry and economy, honesty and punctuality, sincerity, sobriety and all social affections, and generous sentiments among the people.

Oath and subscriptions; exclusion from offices; commissions; writs; confirmation of laws; habeas corpus; the enacting style; continuance of officers; provision for a future revision of the constitution, &c.

Any person chosen governor, counsellor, senator, or representative, military or civil officer, (town officers excepted) accepting the trust, shall, before he proceeds to execute the duties of his office make and subscribe the following declaration, viz:

I, A. B. do solemnly swear, that I will bear faith and true allegiance to the state of New-Hampshire, and will support the constitution thereof.—*So help me God.*

I, A. B. do solemnly and sincerely swear and affirm that I will faithfully and impartially discharge and perform all the duties incumbent on me as ————, according to the best of my abilities, agreeably to the roles and regulations of this constitution, and the laws of the state of New-Hampshire.—*So help me God.*

Any person having taken and subscribed the oath of allegiance, and the same being filed in the secretary's office, he shall not be obliged to take said oath again.

Provided always, When any person, chosen or appointed as aforesaid, shall be of the denomination called Quakers, or shall be scrupulous of swearing, and shall decline taking the said oaths, such shall take and subscribe them, omitting the word *swear*, and likewise the words *so help me God*, subjoining instead thereof, *This I do under the pains and penalties of perjury.*

And the oaths or affirmations shall be taken and subscribed by the governor, before the president of the senate, in presence of both houses of the legislature, and by the senators and representatives first elected under this constitution, as altered and amended, before the president of the state, and a majority of the council then in office, and forever afterwards before the governor and council for the time being; and by all other officers, before such persons and in such manner as the legislature shall, from time to time, appoint.

All commissions shall be in the name of the state of New Hampshire, signed by the governor and attested by the secretary or his deputy, and shall have the great seal of the state affixed thereto

All writs issuing out of the clerk's office in any of the courts of law, shall be in the name of the state of New-Hampshire; shall be under the seal of the court whence they issue, and bear test of the chief, first, or senior justice of the court; but when such justice shall be interested, then the writ shall bear test of some other justice of the court, to which the same shall be returnable, and be signed by the clerk of such court.

All indictments, presentments, and informations, shall conclude, *against the peace and dignity of the state.*

The estate of such persons as may destroy their own lives, shall not for that offence be forfeited, but descend or ascend in the same manner as if such persons had died in a natural way. Nor shall any article which shall accidentally occasion the death of any person, be henceforth deemed a deodand, or in any-wise forfeited on account of such misfortune.

All the laws which have heretofore been adopted, used, and approved, in the province, colony, or state of New-Hampshire, and usually practised on in the courts of law, shall remain and be in full force until altered and repealed by the legislature: such parts thereof only excepted, as are repugnant to the rights and liberties contained in this constitution: Provided, that nothing herein contained, when compared with the 23d article in the bill of rights, shall be construed to affect the laws already made respecting the persons or estates, of absentees.

The privilege and benefit of the Habeas Corpus, shall be enjoyed in this state, in the most free, easy, cheap, expeditious and ample manner, and shall not be suspended by the legislature, except upon the most urgent and pressing occasions, and for a time not exceeding three months.

The enacting style in making and passing acts, statutes and laws, shall be—*Be it enacted by the senate and house of Representatives, in general court convened.*

No governor, or judge of the supreme judicial court, shall hold any office or place under the authority of this state, except such as by this constitution they are admitted to hold, saving that the judges of the said court may hold the offices of justice of the peace throughout the state; nor shall they hold any place or office, or receive any pension or salary, from any other state, government, or power whatever.

No person shall be capable of exercising, at the same time, more than one of the following offices, within this state, viz. judge of probate, sheriff, register of deeds; and never more than two offices of profit, which may be held by appointment of the governor, or governor and council, or senate and house of representatives, or superior or inferior courts, military officers, and offices of justices of the peace, excepted.

No person holding the office of judge of any court, (except special judges) secretary, treasurer of the state, attorney-general, commissary-general, military officers receiving pay from the continent or this state, (excepting officers of the militia, occasionally called forth on an emergency) register of deeds, sheriff, or officers of the customs, including naval officers, collectors of excise, and state and continental taxes, hereafter appointed, and not having settled their accounts, with the respective officers with whom it is their duty to settle such accounts, members of congress, or any person holding any office under the United States, shall at the same time hold the office of governor, or have a seat in the senate or house of representatives, or council; but his being chosen or appointed to, and accepting the same, shall operate as a resignation of his seat in the chair, senate, or house of representatives, or council: and the places so vacated shall be filled up. No member of the council shall have a seat in the senate or house of representatives.

No person shall ever be admitted to hold a seat in the legislature, or any office of trust or importance under this government, who, in the due course of law, has been convicted of bribery or corruption, in obtaining an election or appointment.

In all cases where sums of money are mentioned in this constitution, the value thereof shall be computed in silver at *six shillings and eight pence* per ounce.

To the end that there may be no failure of justice, or danger to the state by the alteration and amendments made in the constitution, the general court is hereby fully authorised and directed to fix the time when the alterations and amendments shall take effect, and make the necessary arrangements accordingly.

It shall be the duty of the selectmen and assessors of the several towns, and places in this state, in warning the first annual meeting for the choice of senators, after the expiration of seven years from the adoption of this constitution, as amended, to assert expressly in the warrant, this purpose among the others for the meeting, to wit: to take the sense of the qualified voters on the subject of a revision of the constitution; and the meeting being warned accordingly, and not otherwise, the moderator shall take the sense of the qualified voters present, as to the necessity of a revision; and a return of the number of votes for and against such necessity, shall be made by the clerk, sealed up, and directed to the general court at their next session;——and if it shall appear to the general court, by such return, that the sense of the people of the state has been taken, and that, in the opinion of the majority of the qualified voters in the state, present, and voting at said meetings, there is a necessity for a revision of the constitution, it shall be the duty of the general court to call a convention for that purpose, otherwise the general court shall direct the sense of the people to be taken, and then proceed in the manner before mentioned. The delegates to be chosen in the same manner, and proportioned, as the representatives of the general court; provided, that no alterations shall be made in this constitution, before the same shall be laid before the towns and unincorporated places, and approved by two-thirds of the qualified voters present and voting on the subject.

And the same method of taking the sense of the people, as to a revision of the constitution, and calling a convention for that purpose, shall be observed afterwards, at the expiration of every seven years.

This form of government shall be enrolled on parchment, and deposited in the secretary's office, and be a part of the laws of the land; and printed copies thereof shall be prefixed to the books containing the laws of this state, in all future editions thereof.

JOHN PICKERING, *President P. T.*

Attest, JOHN CALFE, *Secretary.*

Legislature of Vermont.

GOVERNOR'S SPEECH.

Gentlemen of the Council, and

Gentlemen of the House of Representatives,

The continued confidence of my fellow-citizens, has once more called me to acknowledge, with gratitude, their repeated favor, and my renewed obligation. The contest in which we are involved causes me to feel the deepest sensibility of the necessity of your support, and the benefit of your united wisdom, and also an entire reliance upon that Supreme Being who has hitherto been our support and defence, and who bestows wisdom on all who sincerely ask it.

It is the highest interest of every government, but especially of republics, on just and honorable grounds, to cherish peace and a good understanding with all nations. And I sincerely believe it to have been the unremitted endeavors of our national government, by every means in their power, to maintain the blessings of peace, remove the encroachments on our lawful commerce, and the infringements on our national rights and independence, without resorting to the last and most dreadful remedy, of repelling aggression by force. But Great Britain, by her superior naval force, has claimed the dominion of the seas, and put at defiance the rights of nations and individuals. Such has been her conduct towards the United States, that we had no alternative, but to submit to her arbitrary edicts, and abandon our real independence, or with manly fortitude, contend for our sacred rights, at the expence and hazard of war, with that formidable nation, which, in the exercise of power, is regardless of right.—When all honorable negociation was exhausted without effect, and restrictive measures, for want of union and support among ourselves, had failed to produce the desired object, every hope of accommodation having perished, and the cup of our sufferings being full, congress, relying on the justice of their cause, the firm support of the patriotic sons of liberty and the aid of the God of armies resorted to the last remedy of injured nations, an appeal to arms. The particular causes thereof, are fully exhibited in the president's message to both houses of congress, on the first of June, 1812, and the report of the committe of foreign relations.

Although some doubt the propriety of the measures adopted, yet, war being declared by the constituted authorities of our country, it ought no longer to remain a question of policy, but it has become the duty of the state governments, and of every individual, with promptitude, to espouse the sacred cause of our injured country, second the measures of our general government, provide for the defence and safety of our citizens, and with zeal, pursue such measures as will tend to procure an acknowledgment of our national rights, a release of our impressed seamen, remove the encroachments on the great high-way of nations, and put a final period to the calamities of war, and establish a permanent and honorable peace. At so important and interesting a crisis as the present it is expedient that we lay aside all party prejudices, and unite in one common cause to maintain our independence, and transmit to posterity, those invaluable rights, which were sealed to us by the blood of our heroes; and by our example, invite every citizen and friend of liberty to divest himself of all selfish and local policy, and with

patriotic zeal, embrace the cause of our common country; a country abounding with every necessary of life, and in the full tide of civil and religious liberty. Is it possible to conceive that any citizen living under such a mild and equal government, can be destitute of a principle of patriotism, and so lost to their own true interest, as, through a fond passion for a foreign power, the violence of party zeal, or a sordid spirit of avarice, to betray the just cause of their suffering country, prolong the horrors of war, invoke the vengeance of Heaven, and be guilty of the blood of thousands, by devoting their talents and yielding their support to a nation whose pledged faith has been so often violated, and whose tender mercies, by experience, have been proved to consist in cruelty? Rather let a sense of common danger, and a love of country, cement our hearts, conciliate our affections, and disappoint the sanguine hope of the enemy, to profit by our division.

It is, gentlemen, expected that the general government will direct all the important operations of the war, and provide means of defence, in the several parts of the Union. But situated as this state is, contiguous to the populous settlements of the enemy, and exposed to the whole military force of Lower Canada, I should be deficient in my duty if I did not recommend to you in the most pressing manner, by every mean in your power, to put this state in the best possible posture of defence; to have the militia properly equipped, ready for taking the field, and provide for their speedy and effective movement to any place in danger, whenever occasion requires.

The militia law will need a thorough revision, and many additions, to render it efficient for the exigencies of war. A committee was appointed at our last session for that purpose; and I trust a report will be seasonably made that there may be a full investigation of the system. The promptitude with which the detached of the militia in most of the towns, have marched to the defence of our frontiers, has exceeded my highest expectations. Such a patriotic and military order pervades the state that many thousands of the inhabitants, who were by law exempt from military duty, have enrolled themselves, elected their officers, and tendered their services to support the laws and government of their country, suppress insurrection and repell invasion.

As soon as war became certain, I represented the exposed situation of our northern frontiers, and the general destitution of arms for the use of the militia, to the secretary of war; and received information from him that one thousand stand of arms would be delivered to my order at Springfield, Mass. conformably to a law of the United States, of the 23d of April, 1808, for arming the whole body of the militia, which arms are to be distributed to the militia, under such rules and regulations as shall be by law prescribed, by the legislature of each state and territory. I have since received similar orders, for fifteen hundred stands, in addition on the same conditions. It is therefore requisite that a law be passed for distributing them. The whole of said arms, have been by the commissary of military stores, transported to Bennington; and from the necessity of the case, I have directed a portion of them to be deposited with the general officers in the northern part of the state, to be used by the militia in case of emergency? and from like necessity some have been delivered to the officers of the detached militia, for the use of those soldiers now in service who were destitute; a particular statement of which will be submitted to you, or such committee as may be appointed on the subject of a distribution. I sincerely regret that I am under the necessity to inform you, that the arms already obtained, fall far short of the real deficiency; and I do earnestly recommend that some measure be adopted, that arms may be procured, and brought into the state, to be sold to such of the militia as are able to equip themselves, and to furnish such as are not, when called into the service; and that a sufficient quantity of ammunition, tents and camp equipage, be provided and constantly kept in readiness for use.

[The rest of the speech is strictly local.]

JONAS GALUSHA.

Montpelier, Oct. 9, 1812.

Legislature of Massachusetts.

The legislature of Massachusetts assembled at Boston on the 12th instant and on the following day were addressed by the Governor in the following SPEECH:

Gentlemen of the Senate, and
Gentlemen of the House of Representatives,

The period again approaches when electors of a president and vice-president of the United States are to be appointed; and you have now assembled that you may execute the important trust, of directing the manner of their appointment on the part of this state. I hope that nothing will interfere to prevent an impartial discharge of this public duty. The language of the constitution on this subject is imperative; "Each state shall appoint in such manner as the legislature thereof may direct, a number of electors" —this form of expression was necessary; for it is obvious that if the states should neglect to appoint electors, the national government would be at an end. In addition to this, the constitution has required, that the members of the state legislatures, and all executive officers shall be bound by oath or affirmation, to support the constitution. We have taken this oath, and have sworn impartially to perform all the duties incumbent on us as members of the state government—should this duty be neglected, the people of the state, would, on this important occasion, lose their political consequence, and be deprived of the rights of citizens.

By a letter of the 12th of last June, the secretary of war requested me, by direction of the president, to order into the service of the United States on the requisition of major-general Dearborn, such part of the quota of militia from this state, detached conformably to the act of the 10th of April last, as he might deem necessary for the defence of the sea-coast —On the 22d of June I received a letter from general Dearborn, informing me that war was declared against Great Britain; and requesting me to order forty-one companies of the detached militia into the service of the United States, for the defence of the posts and harbors in this state, and the harbor of Newport in the state of Rhode Island; and stating that the companies were intended for the following posts and harbors in the following proportions —For Passamaquoddy, five companies; for Machias, one company; for Castine, three companies; for Damariscotta and Wiscasset, two companies; for Kennebunk, one company; for Portland, five companies; for Marblehead, Salem, Cape-Ann, and Newburyport, four companies, for Boston, twelve companies, and for Rhode-Island, eight companies. I also received from gen. Dearborn two other letters of June the 26th and June the 29th on the same subject.

The constitution of the United States declares, that "congress may provide for the calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions." And the act of congress of April 10th, authorising a detachment of

one hundred thousand of the militia, empowers the president "to call into actual service any part or the whole of said detachment in all the exigencies provided by the constitution." From these clauses in the constitution and law of April 10th, the president derives his authority to call the militia of the states into actual service; and except in the exigencies above mentioned, he can have no authority by the constitution to do it. But there was no suggestion either in the letter from the war department, above referred to, or in those from general Dearborn, that this state or Rhode-Island was invaded, or in eminent danger of an invasion; or that either of the exigencies recognized by the constitution and law of the United States existed. If such a declaration could have been made with truth, it would undoubtedly have been made.

General Dearborn plainly supposed, that in consequence of the act declaring war, he was authorised, by virtue of the power given him by the president, to require any part or the whole of our detached militia to be called out, and marched to such places in this and the other States as he may think proper. If this construction of the constitution is correct, the president and congress will be able at any time by declaring war, to call the whole militia of the U. S. into actual service, and march them to such places as they may think fit, and retain them in the service as long as the war shall continue. It is declared, indeed, in the aforesaid act of April 10th, "that the said detachment shall not be compelled to serve a longer time than six months after they arrive at the place of rendezvous." But if the mere act of declaring war gives a right to the national government to call the militia into service and detain them six months, it must give a right to detain them six years, if the war continues so long; and the national government has the same authority to call out the whole as a part of the militia.

Heretofore it has been understood, that the power of the president and congress to call the militia into service, was to be exercised only in cases of sudden emergency; and not for the purpose of forming them into a standing army, or of carrying on offensive war. But according to the above construction, the right to employ the militia is made to depend, not upon contingencies which the national government might be unable to foresee or provide against, but upon its own act—upon the existence of a state of war, which the government has a right to declare as often, and continue so long as it may think proper.

Although many of the most important attributes of sovereignty are given by the constitution to the government of the United States, yet there are some which still belong to the state governments. Of these, one of the most essential is the entire controul of the militia, except in the emergencies above mentioned; this has not been delegated to the United States, it is therefore reserved to the states respectively; and whenever it shall be taken from them, and a consolidation of the military force of the states shall be effected, the security of the state governments will be lost; and they will wholly depend for their existence upon the moderation and forbearance of the national government.

I have been fully disposed to comply with the requirements of the constitution of the United States, and the laws made in pursuance of it, and sincerely regretted, that any request could be made by an officer of the national government to which I could not constitutionally conform. But it appears to me that the requisition aforesaid was of that character; and I was under the same obligation to maintain the rights of the state, as to support the constitution of the United States. If the demand was not warranted by the constitution, I should have violated my duty in a most important point, if I had attempted to enforce it, and had thereby assisted in withdrawing the militia from the rightful authority of the state. Besides if the measure was not required by the constitution, it would have been oppressive, as the militia must have been called from their occupations to places remote from their homes, and detained in the service during the busy season of the year. I therefore, on the third day of July, issued a general order; and on the same day wrote to general Dearborn, that I had directed the adjutant-general to furnish him with a copy of it, and that after mature reflection I had endeavored, in that order, to pursue the course which my duty, in relation to the request contained in his letter of June the 22d, required of me.

Afterwards, by a letter of July 15th, gen. Dearborn informed me, that having received orders to leave the sea coast, where he was ordered for the purpose of taking the necessary measures for placing the towns and garrisons in a state of defence against the invasion or attack of the enemy, and to repair to Albany, it became his duty to request me to order out such part of the detached militia *as the present state of war required*, the number being stated in his letter of June 22d; and that as other objects would require the service of a great part of the regular troops, it would become his duty to order them from the sea-board. This letter I had no opportunity of answering before gen. Dearborn left the state. But I presumed, if this State was in danger of invasion, that the regular troops would be ordered to Albany; and if they were so ordered that the militia were not liable to be called into service and stationed in the forts of the United States to do garrison duty, when no danger of invasion appeared.

On the 27th of July I received a letter from the secretary of war of the 21st of that month, stating that orders had been given to general Dearborn to move the regular troops to the northern frontier, leaving a sufficient number to man the guns in the garrisons on the sea-board, and renewing the requisition, aforesaid. In this letter he says, "the danger of invasion which existed at the time of issuing the order of the President, increases." This expression was peculiarly guarded, as the order of the President was issued before war was declared. However, as this, and the last letter of general Dearborn, seemed to imply that there was some danger of invasion, and as the measures to be taken on my part were of importance, I thought it expedient to convene the council and request their advice on the subject of the foregoing letters.——The council advised, that they were unable from a view of the constitution of the United States and the documents aforesaid, to perceive that any exigency existed, which could render it advisable to comply with the said requisition.———But, as upon important questions of law, and upon solemn occasions, the governor and council have authority to require the opinions of the justices of the Supreme Judicial Court, and it was advisable to request the opinion of the Supreme Court upon the following questions, viz.

1. Whether the commanders in chief of the militia of the other states have a right to determine whether any of the exigencies contemplated by the constitution of the United States, exist; so as to require them to place the militia or any part of it in the service of the United States, at the request of the President, to be commanded by him pursuant to acts of congress?

2. Whether, when either of the exigencies exists, authorising the employing the militia in the service of the United States, the militia thus employed can

be lawfully commanded by an officer, but of the militia, except by the President of the United States?

After the above request was made to the Supreme Court, a person deputed by the inhabitants of Eastport and Robinson on our eastern boundary applied to me, representing that there were many lawless people on the borders from whom they had serious apprehensions of an attack; and requested that a number of the militia might be stationed in those towns. The council advised that three companies of the detached militia should be called into the service of the United States for their protection. On the 5th of August I issued an order for that purpose, and directed that two of the companies should be stationed at Eastport, and one company at Robinston, until the President should otherwise direct; and the same day, by a letter to the secretary of war, informed him of the transactions aforesaid—and having received the opinion of the judges on the above questions, enclosed to him their answers—a copy of that opinion, and the letters and papers above referred to, will be laid before you by the secretary.

Soon after the declaration of war, several towns on the sea coast applied to the governor and council for arms and ammunition, as many persons who were exempt from military duty were destitute of the necessary means of defence. Agreeably to the advice of the council, they were, in some instances, furnished with these articles. By inspecting the returns of the quarter-master-general, you will be convinced of the necessity of obtaining a further supply of small arms, and military stores; and the more so, as our defence on the sea-board seems almost wholly to be confided to the militia. We have in this state several hundred miles of sea-coast, a number of islands near the coast are inhabited by our citizens, and more than one hundred of our towns may be approached by the enemy's ships. It is obvious, therefore that only a maritime defence can afford them full security. Still, however, we should employ such means as we possess for their protection; and to this end, it will be necessary that the whole militia should be armed and equipped in the best possible manner, and ready to march at the shortest notice; and in case of invasion, that arms should be in readiness for every man who is able to bear them. In this way it is probable that our defensive force, and the general security of the sea-board, will be as great as if portions of the militia were drawn from every part of the state, and stationed in a few of the large towns on the coast.

While the war, in which we are unhappily involved, continues, it is to be carried on, only in the name and by direction of the public. The people cannot act of themselves except for the defence of their possessions and territories. Without the commission or particular order of the governor, they have no right to commit hostilities or undertake any offensive expedition. In modern warfare the troops alone carry on the war, while the rest of the people peaceably follow their callings, and if they refrain from hostilities have generally little to fear from the enemy's arms.

For many years, and until within a late period, the nations of Europe have made war with moderation and generosity, and in a manner which proved they had not forgotten that their enemies were men and might afterwards become friends. Indeed, war is so dreadful in its effects, and so destructive to human happiness, that the law of nature allows of it only in the utmost extremity; and requires that when it is resorted to, the persons engaged in it shall endeavor to mitigate its horrors, as far as their safety will permit, by the exercise of justice and humanity. These principles of the law of nature are confirmed by the precepts of the christian religion.

Whatever sentiments may prevail among the people of this state concerning the justice or expediency of the present war, I hope and trust that they will perform the duties enjoined on them by our constitution and laws, and that they will do nothing to obstruct the government in the constitutional measures they may think proper to adopt. If those measures are thought to be unjustifiable or particularly injurious to this part of the union, let us cherish a confidence in the wisdom and justice of the other states, and wait with patience for the remedy provided by the constitution. In the mean time, let us regard with abhorrence those violent personal outrages, which are fatal to the peace, and disgraceful to the character of any people; let us be watchful and determined to prevent tumults and disorders of every kind, by which our internal tranquility would be endangered; and be as willing to indulge in others the right of expressing their opinions of public measures, as we are to exercise that right ourselves.

I shall readily co-operate with you, gentlemen, in any measures that may be thought conductive to the defence and tranquility of the state, and the preservation and security of the Union; and may the God of our fathers protect us in this calamitous period, and guide us in the way of duty and safety.

CALEB STRONG.

August 14th, 1812.

Legislature of Tennessee.

Extract from the speech of gov. BLOUNT, of Tennessee, delivered before the legislature of that state, at an extra session commenced the 7th ult.

"American liberty and independence which we are now privileged to defend, form a part, and by far the better part of the legacy left me by my father and other relations: It is my duty to aid in the maintenance of them, and it shall be cheerfully performed. It is equally incumbent on all American citizens, to act in support of the cause now before us, not only to maintain our violated rights, and mitigate the evils of war among ourselves, but so as to make it most effectual against our enemy: to the end that they may be taught to know the true value we put on our rights and privileges. This is a duty we owe to our country; to the memory of the revolutionary patriots who now sleep in the silent tomb; to the gratification of such of the revolutionary patriots as now live; to ourselves; to our families; to our posterity for ages to come; and in one word, to all that is interesting and dear to America. So far as my exertions can go in support of such a cause, they are tendered: So far as any thing I have, or may have, should be found necessary to be applied to contribute to the success of such a cause, my government is welcome to it, This is all I have to give. My liberty and independence I mean to keep as long as life lasts."

Circular to Collectors.

Treasury Department, Comptroller's Office, Oct. 1812.

SIR—As there is reason to think attempts may be made to evade the provisions of the act of the 6th of July last, to prohibit vessels of the United States, from proceeding to or trading with the enemy, I have to call your attention to it with a view to its most vigilant execution.

It is evident from the terms and nature of this act, that one of its chief objects will be in constant danger of frustration unless the attempt to transport grain, flour, or any articles of provision, to Upper or

Lower Canada, Nova Scotia or New Brunswick, can in the first instance, be detected. To this effect you are particularly requested to omit no scrutiny in the case of every vessel foreign as well as of the United States about to leave your district laden with provisions, by which you may be the better enabled to ascertain the genuine character and intention of the voyage; and wherever there is probable cause to suspect a design to violate the law in this respect of which your sound discretion will always judge, you will lose no time in exercising the power to seize and stop, given in the third section.

You are addressed upon this point, at this moment, with a view to stimulate your activity towards a strict enforcement of the law, which can only be kept from falling through, in this important particular, by the utmost previous caution.

I am very respectfully,

Your obedient servant,

RICHARD RUSH.

Vessels arriving from England.

Circular to the District Attornies of the U. States.

TREASURY DEPARTMENT,

Comptroller's office, Oct. 16, 1812.

SIR—As cases may arise in which the claims of public and private armed vessels of the United States to vessels which they capture, may be adverse to the claims of the United States to the same vessels, under the non-importation act, it is deemed proper to submit to you the views taken at this department of government of such conflicting claims.

How far trade of every description on the part of the citizens of the United States with the enemy is, by the general law of war independently of any statutes of our own, absolutely prohibited; and how far all vessels with their cargoes belonging to citizens of the United States, and coming from a port of the enemy, on a trading voyage since the declaration of war, are, by the same general law, liable to capture by vessels of the United States, having commissions of war, and to condemnations as lawful prizes of war; are questions not material to the purport of this letter. For, allowing to both affirmative answers, the effect of such answers is, it is conceived, controlled by the actual state of the country under its own statutes.

Every vessel now arriving in a port of the United States, in violation of the non-importation act is by the positive prior, and existing municipal regulations of that act, forfeitable to the use of the United States and certain of their officers of the revenue embraced within its provisions. This, therefore, it is apprehended, supervenes the general law of war, in its application to every vessel so arriving, and intercepts, by its paramount authority, the right of capture otherwise vested in the national or armed vessels, and which, but for such paramount authority they might have been at liberty in the abstract beneficially to exert. The act of congress of the 6th of July, 1812, "to prohibit American vessels from proceeding to or trading with the enemies of the United States and for other purposes," makes no change in this operative character of the non-importation act.

To every vessel, therefore, arriving in any port of the United States, in breach of any of the prohibitory or penal clauses now in force of this act, you will be pleased to assert the claim of the United States for forfeiture, as soon as a seizure can be made; and this whether the arrival be voluntary, or whether it be the case of a bringing or sending in on capture by any of the public ships or privateers, the claim of the United States applying equally to captured or seized property under this predicament, and whether it be British or American. It is not perceived that the supposed claim of the captors can, either in law or equity, supercede that of the United States. Not in law, for the fifth section of the act has this provision "that whenever any article or articles, the importation of which is prohibited by this act, shall be put on board of any ship or vessel, boat, raft or carriage, with *intention* of importing the same into the United States, or territories thereof, all such articles, as well as all other articles on board the same ship or vessel, boat, raft, or carriage, belonging to the owner of such prohibited articles, shall be forfeited; and the owner thereof shall moreover forfeit and pay treble the value of such articles." Thus it appears that the forfeiture to the United States attached and may be considered as having had its inception *prior* to the capture. Not in equity, for the instrumentality of the public ship or privateer in aid of the execution of the act, was merely gratuious and not necessary to secure its enforcement. The claims of the United States and of the captors being wholly adverse, the libels on the part of the former must embrace all vessels circumstanced as above, with every species of property on board.——With the courts will rest the final decision on the contending claims. I am, very respectfully, &c.

RICHARD RUSH.

Copy of a British License.

To all commanders of his majesty's ships of war and privateers, and all others whom it may concern—

GREETING:

I, the undersigned, one of his majesty's principal secretaries of state, in pursuance of the authority given me by his majesty by order of council, under and by virtue of powers given to his majesty by an act passed in the 48th year of his majesty's reign, entitled, "an act to permit goods secured in warehouses in the port of London to be removed to the outports for exportation to any part of Europe; for empowering his majesty to direct that licenses which his majesty is authorised to grant under his sign manual, may be granted by one of his principal secretaries of state, and for enabling his majesty to permit the exportation of goods in vessels of less burthen than are now allowed by law, during the present hostilities, and until one month after the signature of the preliminary articles of peace;" and in pursuance of an order of council as hereunto annexed, do hereby grant this license for the purpose set forth in the said order of council to W——— B——— & Co. of Liverpool; and do hereby permit them to export on board the American ship N———, of about 200 tons burthen, J. C———, master, from Liverpool, direct to any port of the United States of America, a cargo consisting of such goods as are permitted by law to be exported (being either British or American property) and protecting the said vessel, and the goods as aforesaid laden therein, from capture or molestation by any ship of war or privateer bearing his majesty's commission, on account of any hostilities that may exist during the time of the said voyage and during her return to the port of Liverpool with the said cargo, in case the said vessel shall not be permitted to land the same, or any part thereof, in any port of the United States, the master to be permitted to receive his freight and depart with his crew and vessel in ballast to any port not blockaded: *Provided* the vessel taking the benefit of this license shall clear out from the port of shipment in the United Kingdom before the 15th day of August next, and the time of clearance from the port of lad-

ing shall be endorsed on this license. This license to remain in force for one voyage only.

Given at Whitehall, the 14th July, 1812, *in the 52d year of his majesty's reign.* SIDMOUTH.

Endorsed—PORT LIVERPOOL:

This is to certify, that the ship or vessel called the N———, of Baltimore, Maryland, of the burthen of 285 tons, whereof J. C——— is master, hath this day been cleared outwards for Baltimore described in the corkets granted for shipping the same.

Given under our hands and seals of office at the custom-house, this 23d day of July, in the year of our Lord 1812.

(Signed) ITAVAENION, *Collector.*
(Signed) ISRAEL WOOD, *Comptroller.*

At the Council Chamber, WHITEHALL, *the 14th of July,* 1812.

PRESENT—

The Lords of His Majesty's most Hon. Privy Council.

WHEREAS there was this day read at the board the humble petition of W—— B—— & Co. of Liverpool—

It is ordered in council, that a license be granted to the said petitioners, permitting them to export on board the American ship N———, of about 200 tons burthen, J. C——— master, from Liverpool direct to any port of the United States of America, a cargo consisting of such goods as are permitted by law to be exported, (being either British or American property) and protecting the said vessel, and goods as aforesaid laden therein, from capture or molestation by any ship of war or privateer bearing his majesty's commission, on account of any hostilities that may exist during the time of the said voyage and during her return to the port of Liverpool with said cargo, in case the said vessel shall not be permitted to land the same, or any part thereof, in any port of the United States, the master to be permitted to receive his freight and depart with his crew and vessel in ballast to any port not blockaded; *Provided* the vessel taking the benefit of the said license shall clear out from the port of shipment in the United Kingdom before the 25th day of August next, and that the time of clearance from the port of lading shall be endorsed on said license. Such license to remain in force for one voyage only. And the right honorable viscount Sidmouth, one of his majesty's principal secretaries of state, is hereby specially authorised to grant such license, in case his lordship shall see no objection thereto, annexing to such license the duplicate of this order, herewith sent for that purpose. CHETWYND.

New-York Privateers.

We are indebted for the following list to the N. Y. *Columbian.* These vessels, with two or three not yet complete, have been fitted out from that port since the commencement of the present war. The term *Long Tom* is familiarly applied to any *long* piece of cannon, without regard to its size in other respects: they are generally mounted on a *swivel* in the *midship* of a vessel; but some have one on each side. The majority of the guns on board our privateers, in general, are of the kind called carronades, or cannonades. Only one has been taken, and her exploits are famous! *See prize lists.*

Privateers.	*Captains.*	*L. Tom*	*Guns.*	*Men*
Teazer	Dobson	1	2	50
Paul Jones	Hazard	1	16	120
Marengo	Ridois	1	6	50
Eagle	Beaufon		1	45
Rosamond	Campan	1	12	132
Benj. Franklin	Ingersol	1	8	120
Black Joke	Brown	1	2	60
Rover	Ferris	1	1	35
Orders in Council	Howard		16	120
Saratoga	Riker		18	140
United We Stand	Storey	1	2	50
Divided We Fall	Cropsey	1	2	50
Gov. Tompkins	Skinner	1	14	143
Retaliation	Newson	1	6	100
Spitfire	Miller	1	2	54
Gen. Armstrong	Barnard	1	18	140
Jack's Favorite	Johnson	1	4	80
Yorktown	Storey		18	160
Tartar	King	1	6	80
Holkar	Rowland		16	150
Anaconda	Shaler		16	160
Patriot	Merrihew	1	2	50
Union	Hicks		1	24
Turn Over	Southmead		1	16
Right of Search	———	1		50
Bunker-Hill	Lewis(tak.)	1	4	60
Twenty-six.		18	194	2239

WHOLE NUMBER OF GUNS——212.

Baltimore Privateers.

Schooners.	*Captains.*	*Long Tom.*	*guns—whole no.*	*Men.*	*Metal.*
Rossie	Barney	1	13	120	12's 24's & 6's
Comet	Boyle	2	12	120	9's 12's
Dolphin	Stafford	2	10	100	9's 12's 6's
Nonsuch	Levely		12	100	12's
High Flyer	Grant	1	7	100	12's 6's
Globe	Murphy	1	7	90	9's 12's 18's
America	Richardson	2	14	115	9's 24's 6's
Bona	Dameron	1	6	80	12's 6's
Tom	Wilson	2	14	130	12's 18's 9's
Sparrow	Burch	1	5	80	12's 6's
Revenge	Miller	2	14	140	18's 12's 24's
Rolla	Dooley	1	5	80	12's
Joseph & Mary	Wescott	2	4	83	18 & 24 poun.
Wasp	Taylor	1	1	50	9
Sarah Ann	Moon	1	1	50	9
Liberty	Pratt	1	1	50	9
Hornet (lost)	Frost	1	1	50	9

In addition to the privateers there are, at sea, 25 fast-sailing letter of marque schooners, carrying from 6 to 10 guns each, and from 30 to 50 men, besides officers.

Building and fitting out, 10 large schooners on the pilot-boat construction; three of which are from 330 to 350 tons burthen—length of keel, from 90 to 94 feet—length on deck, from 110 to 115 feet. They are, perhaps, the largest vessels ever built of this description. By turning to the table, vol. 2, page 394, an interesting comparison may be made.

Baltimore has sent to sea since the declaration of war, forty-two armed vessels, carrying about 330 guns, and from 2800 to 3000 men.

It is worthy of remark, that not one of our privateers have yet been even in *danger* of being captured, though frequently chased by British vessels of war.

General Statistical Table.

The following table has been formed, after much labour, expressly for this work, for the purpose of *general* reference. We are aware that it is incorrect in many particulars, but on the whole it may be accepted as approaching pretty nearly to truth, so far as facts can be discerned in the varied statements of the learned and scientific. And it may serve the *ordinary* purposes of our readers.

The whole globe is estimated to have a surface of 148,510,627 square miles—of which the habitable portion is said to have 38,990,569 square miles, and supposed to contain 760 millions of inhabitants.

Asia, is computed to have	10,768,823 sq. miles and,	500 millions of people.
Europe, ...	2,749,349 . . .	160 millions.
America, ...	14,000,000 . . .	50 millions.
Africa, ...	9,576,208 . . .	50 millions.

☞ These estimates are very arbitrary. As to the contents and population of *Asia* and *Europe* the various authors consulted are nearly agreed—but while some of them swell the population of *America* and *Africa* to 150 millions each, there are others who depress them as low, respectively, as 20 or 30 millions. The "*unknown parts*," added to the last given calculations, is supposed to make general content of the *habitable world*, as stated.

The Chinese empire is the most populous, but the Russian the most extensive. The United States have the second rank as to the nominal contents of their territory.

Pekin, *Nankin* and *Jedo*, rivals in population, are the greatest cities of *Asia*, and are said to have 3 millions of inhabitants, each.

London is the most populous city in *Europe*—by the census of 1810, it contained 1,099,104 inhabitants, of whom 483,781 were males and 613,323 females.

Mexico is the largest city in *America*; by the census of 1794 it had 112,929 inhabitants, and its population has since considerably increased. *Philadelphia* and *New York* are the next in rank in the new world.

Grand Cairo is the best peopled *African* city of which we are informed—it is computed to have more than 300,000 inhabitants, but there are some reasons to believe that, in the interior, are several cities far more populous, of which we know little at present but from vague rumor.

EMPIRES, KINGDOMS AND STATES.		SQUARE MILES	WHOLE POPULATION	CAPITAL CITIES; POPULATION		*Inhabitants to a sq. mile*	*Revenue in millions of $*	*State tax per head, cts*
Empire of China	(A)	1,749,000	383,000,000	Pekin	3,000,000	212	300	79
Russia	(B)	4,900,000	47,440,000	St. Petersburg	180,000	9	60	1 05
France	(C)	236,840	43,423,000	Paris	547,756	184	160	3 06
Japan	(D)	118,000	30,000,000	Jedo	3,000,000	254		
Austria	(E)	131,740	15,519,623	Vienna	250,000	118	32	2 07
Turkey	(F)	960,000	22,000,000	Constantinople	500,000	21	50	2 27
Persia	(G)	800,000	10,000,000	Ispahan	100,000	13		
Birman	(H)	250,000	17,000,000	Ummarapoota		68		
The British Kingdoms	(I)	104,656	16,552,144	London	1,099,104	160	355	21 50
Kingdom of Spain	(K)	150,000	10,327,800	Madrid	150,000	67		
Portugal	(L)	27,280	1,838,879	Lisbon	250,000	69		
Naples	(M)	22,000	4,000,000	Naples	380,000	181		
Denmark	(N)	163,041	2,148,438	Copenhagen	100,000	13	7	3 21
Sweden	(O)	160,000	2,353,355	Stockholm	72,000	15	6*h*	2 70
Prussia	(P)	44,464	4,559,556	Konigsburg	50,000	103		
Westphalia	(Q)		2,912,303	Cassel	25,000		5*h*	
Bavaria		26,176	3,231,570	Munich	40,000	124	8	2 78
Wirtemburg			1,183,000	Stutgard	20,000		3	
Saxony			2,085,476	Dresden	60,000		5*h*	
Sicily (island)		10,000	1,500,000	Palermo	180,000	150	1*h*	1 00
Sardinia (island)		6,600	456,990	Cagliari	25,000	69	*h*	1 00
Grand Duchy of Warsaw	(R)	27,312	2,277,000	Warsaw	60,000	84	3	1 40
United States of America	(S)	2,000,000	7,239,902	Washington	8,208	4	14	2 00
Confederation of the Rhine	(T)	113,424	15,577,344	———		138	38*h*	2 49

(A.) This includes all the tribuary or dependent states.——China proper has about 1,200,000 square miles, and, according to sir *George Staunton*, 333 millions of inhabitants, or 300 to a square mile. This great population admitted, it may be said, *that one-half of the whole people of the world we inhabit, obey the Chinese sceptre.*

(B.) Russia, in Europe, contains 1,400,000 square miles, inhabited by about 41 millions of people, or 35 to a square mile—their Asiatic possessions are very thinly populated, vast regions being hideous desarts, destitute of fixed inhabitants. For particulars, see Weekly Register, vol. 1, p. 163. ☞ The revenues of *China* and *Russia* appear very moderate, compared with their population. But there is nothing more uncertain than the idea we commonly hold of money; its *value* is as various as any thing else. The only way to scale its worth, is by ascertaining the quantity of *labor* it will purchase. In China, for instance, from 12 to 15 days labor, may be obtained for the same nominal amount that a person, at the same business, (be it what it may) would earn in the United States in one day—money is, therefore, 12

or 15 times as valuable in China as it is here. In Russia, it is from 8 to 10, for one in the United States. Money is, perhaps, of *less value* with us than in any other country, even in the countries which produce it, *Mexico* and *Peru*. We have an idea of a *money-metre*, to shew, by the price of a *day's labor*, the relative value of it in various parts of the world. We may form a table for this purpose.

(C.) Travellers having agreed that Japan is as populous as China, have estimated its inhabitants at 30 millions—the apparent difference in the table arises, in part, from *Tartary* being taken into the general estimate of the latter country, thus reducing the ratio for each square mile; and in part from the deductions made from the surface of the former, for mountainous or barren districts.

(D.) France, proper, 148,840 sq. miles—Holland, the Netherlands, and the former possessions of several petty German princes, 20,000 sq. miles; the kingdom of Italy, with Istria, Dalmatia, &c. about 50,000 square miles; all which, with Piedmont, Savoy, the former country of Nice, now forming *departments of France*, make up the aggregate. See WEEKLY REGISTER vol. 1, p. 39.

(E.) Before her late wars with France, Austria possessed 226,876 sq. miles—26,970,030 inhabitants, and a revenue of 48,244,000 dollars. See WEEKLY REGISTER, vol. 1, p. 118.

(F.) Turkey, in Europe, 9 millions; in 10 millions; and in Africa 3 millions, of inhabitants. Immense regions of country are desart. The population, as well as the revenue, are mere suppositions.

(G.) This country appears to have decreased in its population; caused, perhaps, by the dreadful civil wars that have frequently ravaged it. Besides, there is much mountainous and barren and unproductive land. The revenue is paid in *kind*.

(H,) Including Ava, Pegu, Malacca, &c. Ummarapoota is the new capital, but little known to Europeans. The ancient and once magnificent cities of Ava and Peru, are said to be nothing but heaps of ruins.

(I.) See the general table, WEEKLY REGISTER, vol. 1, p. 22. England and Wales, 49,450 square miles; Scotland 27,749 do. Ireland 27,457. By the census of 1810, England contained 9,499,408 inhabitants; Wales, 607,380; and Scotland 1,804.864, to which they add for the army and navy 640,500—making a grand total of 12,552,144. We have not seen an enumeration of the people of Ireland—from the accounts laid before Parliament, there are probably about 500,000 dwelling houses; averaging them at 8 inhabitants each, we have a gross aggregate of four millions: which is probably about the true amount. The revenue, as here stated, is required for the *present year, independent of loans*. It may emphatically be called the *land of taxation*.

(K.) Such was Spain before the invasion by Bonaparte. Its population, has, doubtless, greatly decreased—of the present revenue no estimate can be made; under the old monarchy it was said to amount to 25 millions—or $2 for each head.

(L.) The preceding remarks on Spain also apply to Portugal. The revenue of the crown, the chief of which, however, was derived immediately from Brazil, was estimated at twelve millions per annum.

(M.) The revenue derived by the 'king of the two Sicilies,' from Naples, before his expulsion from the continent, was about 5 millions.

(N.) A very considerable part of the dominions of Denmark, is contained in the mountains of Norway and frozen regions of Lapland. The provinces of Denmark proper are well populated; and the whole amount of Danish subjects at this time, probably exceeds two millions and a half, great improvements in the condition of the peasantry being latterly made.

(O.) See WEEKLY REGISTER, vol. 1, p. 109, for many interesting particulars.

(P.) Prussia, before the late war with France, possessed 83,980 sq. miles, with a population of 9,015,130 inhabitants; and the revenue was about 15 millions of dollars. Its present resources are unknown.

(Q.) Westphalia, Bavaria, Wirtemburg and Saxony, are kingdoms lately erected by the emperor of France. They form a part of the "confederation of the Rhine" noticed below.

(R.) The Grand Duchy of Warsaw, is a power created by France, at the expence of Prussia and Austria, who aggrandized themselves at the expence of the Poles. It has lately been said that this country will be *honored* with a king.

(S.) Including Louisiana—a vague estimate. The population of the eighteen *states* is equal to about 12 persons to a square mile. Our revenue, derived from duties on imports, is constantly fluctuating—we have put it at 14 millions, being about what it would at this time amount to in a *regular* course of things. See the WEEKLY REGISTER *passim*.

(T.) "The Confederation of the Rhine" is an association of many petty kingdoms and states, brought about by France, with the chief view (as it appears to us) of acting as a barrier to Austria, Russia, &c. and of otherwise aiding the emperor in his wars. See the general table, vol. 1, p. 24.

☞ Blanks are left in those places we could not fill up with *satisfaction*, at present. When better information is afforded, we shall convey it to our readers, and they may complete the table with a pen.

The War on the Ocean.

Since the declaration of war (and nearly a month's time was lost, by the *uncertainty* attending the proceedings of Congress, so that when it was declared our seamen were not prepared for it), we have taken from the enemy:—

35 armed ships, carrying	415 guns	navigated by (about)	1320	men	30 each.
18 unarmed do.	—	do.	270	do.	15 ——
17 armed brigs carrying	117 guns	do.	340	do.	20 ——
75 unarmed do. do.	—	do.	620	do.	8 ——
2 armed snows do.	12 guns	do.	36	do.	18 ——
2 armed barques do.	16 guns	do.	36	do.	18 ——
4 unarmed do. do.	—	do.	48	do.	12 ——
3 armed schooners do.	14 guns	do.	60	do.	20 ——
59 unarmed do. do.	—	do.	354	do.	6 ——
4 sloops (unarmed) do.	—	do.	24	do.	6 ——
219 vessels.	574 guns.		3108	men.	

Distillation of Spirits.

From the Democratic Press.

WASHINGTON CITY, 1st June, 1812.

Mr. BINNS.—The enclosed has been put into my hand by Dr. *Samuel Mitchill* of N. York, now a member of congress distinguished for scientific research and erudition, who expressed a desire that it should be made public.

It contains a translation, by him, from the French of recent discoveries made in that country in the arts of distillation, and the preservation of meats, fruits, &c.

Believing that this information may be of great benefit in Pennsylvania and elsewhere, and that the most eligible mode to give it extensive publicity would be through the medium of the Democratic Press, you will therefore please to give it a place when convenient, and oblige your friend, &c.

A. LACOCK.

Improvements in distilling spirits, as practised in France. Written at the request of an eminent distiller in the United States by the hon. Samuel L. Mitchill.

SIR—According to your desire I now write out for you, the information that reached me a few days ago, from France, on the subject of evaporation, and condensation; and the application of their increased knowledge on these subjects, to the distillation of ardent liquors, and the preparation of dried meats. And it becomes me to tell you, that the authority on which the statements chiefly rest is that of the Imperial Institute.

Of all the artists, he who has derived the most advantages from the modern discoveries concerning heat and evaporation, is the distiller of spirits.

This revolution in distillation, which has already produced the most salutary effects in the department of the south, is due to the late *Edward Adam*, of Montpellier.

The principle of his process consists in heating the greater part of the wine which he is distilling, by the vapour of brandy rising from the boiler; and in causing air vapour to pass through a series of vessels partly immerged in cold water; which makes it deposit its acqueous particles in such a way that the spirit of wine only, and in a pretty pure condition too, is condensed in the last of those coolers.

In this manner, instead of an immediate heating to obtain a brandy of 19 degrees, from which there might afterwards be drawn, by subsequent heatings, spirits of wine of various proofs, there is produced at once, by the process now under consideration, an alkoholic spirit, of any strength that is desired. Besides, the still or alembic heretofore in use, could only receive two heatings per day, whereas the one invented by Adam is capable of eight. This latter extracts a sixth more spirit from the same quantity of wine. It saves two fifths of the fuel, and three-fourths of the labor and attendance. And lastly, the brandy obtained in this way, never has an empyreumatic taste.

It is not surprising that with such advantages, this method of working has been so quickly and generally adopted by the distillers. Certain ruin would have been the lot of those who had persisted in the old mode. Mr. *Duportal*, a chemist of Montpellier, has given to the physical class of Institute, a very exact description of it, which has been printed. In this he has pointed out the improvements that have been made by Mr. *Isaac Berard*.

It is worthy of remark here, that the first idea of heating by vapor, was entertained by count *Rumford*, one of the foreign associates of the class, and published by him at London, in 1798. Thus we see how a simple general proposition, which at first glance, appears like an abstract and useless truth, may nevertheless enrich whole provinces.

It has however been known ever since the time of *Black* and *Wilkie*, that bodies underwent evaporation in consequence of absorbing a great quantity of heat, and that all evaporation produces coldness in the substance from whose surface it proceeds, proportioned to its rapidity or quickness. At the same time, it is equally well understood that the pressure of the atmosphere renders evaporation slower, and that this change of condition is wrought in a vacuum, the more readily in proportion to the completeness of the vacuum.

Mr. Leslie, a member of the royal society of London, has contrived further to increase the effect of atmospheric removal, by placing under the receiver of an air pump, things that are very greedy of moisture, and which arresting it as fast as it is exhaled, thereby increases indefinitely the production of it.—Availing himself of this principle, he has a refrigeration so violent and rapid, that water has been congealed in a few minutes, at whatever time he performed his operation. He thus was possessed of the means of obtaining, at pleasure, a quantity of ice with scarcely any other expence than the fire necessary to dry again the absorbment body which had been employed to attract the moisture.

Highly concentrated *vitriolic acid* and the *muriat of lime*, are the water-loving substances best adapted for this purpose.

Two young chemists, Messrs. *Clement* and *Desormes*, undertook to determine the limits of this process, and the degree of economy of which it was susceptible; and by the calculation of the quantity of heat contained in the steam of boiling water, and the quantity of coal necessary to produce a given quantity of steam, they have proved that no more than one part of coal was necessary to restore to its former state, the absorbing body which had served to freeze five hundred parts of water. In other words it appeared that one hundred pounds of ice cost only a pound and some ounces of coal.

This effect may be increased by preventing the entry of caloric from without, and for that purpose it is sufficient to render the receiver a bad conductor of heat by constructing it, of two plates of polished metal separated by a stratum of air.

From this acceleration of evaporation by a vacuum, increased by the presence of absorbents, is derived a more evident advantage, when the object is merely to DRY MOIST SUBSTANCES, because in this case there is no need of exposing them to the action of fire, which never fails to produce more or less alteration in them.

Their worthy associate the late Mr. *Mongalfier*, had long ago conceived the practicability of exsiccating the juices of plants, and particularly the moist of the grape, by means of the air-pump; and had even satisfied himself, that by diluting this latter substance in water, after it had been converted to dryness, it would undergo fermentation, and afford excellent wine. But the labor was too great, when there was no absorbent employed to aid and continue the action of the pump.

Nevertheless, care must be taken that these juices do not freeze, for this would be as injurious to them as any thing resulting from the application of heat. Messrs. *Clement* and *Desormes* have discovered a very simple method of guarding against it. They surround or encircle the vessel containing the juice, whose humidity is to be carried off without an absorbing substance; and thus the heat that is disengaged from the vapor at the instant of absorption, returns to the juice under the evaporating process, and this circulation supplies the new vapor required.

This process may be employed with great economy, if the juice is first reduced to syrup by means of the ventilator also invented by *Mongalfier*, and which the two before mentioned gentlemen have described in the annals of chemistry, for October, 1810. Then the air-pump is not applied until the ventilator is incapable of separating any more of the watery particles.

It will be obvious to every reflecting mind, how usefully and extensively this new METHOD OF PRESERVING may be applied for domestic purposes, and above all for the navy and army. By it substances intended for food, may be kept without changing their original qualities, while their weight is so much reduced by extracting their superfluous moisture, that they may be transported to the most distant regions. In like manner, and with similar reduction of weight and bulk, the fermentable matter which is capable of affording wine and brandy, may be conveyed wherever it may be required.

The same experimenters propose to apply the evaporation *in vacuo*, in the drying of gunpowder, which being thus prepared without fire, will be in no danger from explosions.

They are also employed in the investigation of ordinary evaporation by means of heat, and have ascertained a method of doubling the effect of a given quantity of fuel upon an aqueous fluid, such as for example, a solution of any salt in water. For this purpose, it is merely necessary to collect the vapor of the first portion of the liquid, and to compel it to pass through a second portion. This highly-heated vapor imparts a great proportion of its heat to the fluid through which it passes, and the amount thus bestowed is about the half that the cooler liquid requires to raise it to the evaporating temperature.

Thus, you learn, that of all the arts which have been benefited by the modern discoveries concerning heat and evaporation none is so great and important as the distillation of ARDENT SPIRITS. Whether it be the preparation of *Rums* from sugary sweets, *Brandies* from the different fruits, or *Whiskeys* from the general sorts of grain.

Whether in those operations, there is any thing preferable to the great improvements already made in these arts by our ingenious fellow-citizens, I have not now time to enquire, I therefore leave the decision of that point to yourself, and conclude with tendering to you my hearty salutations. S. L. M.

Washington, May 28, 1812.

The British in the Peninsula.

For a long time convinced that war with Great Britain was inevitable, but in the event of a general peace in Europe, from the implacable envy and all-grasping avarice and ambition of her leading men, we received the declaration of hostilities on the part of our government with much satisfaction; considering it the only measure that could possibly be adopted to preserve the *independence* of these states, and, indeed, restore to the people the blessings of *peace*. To this delemma, the United States were driven as much by the want of *union* and *energy* among themselves, as by the outrages of *England*; for, we apprehend, that if the embargo had been fully supported and duly enforced, the appeal to arms might have been avoided. This, at least, is our honest opinion of the matter. But engaged in the contest, though yielding to none in an ardent love of peace, we have earnestly desired that all energy and effect might be given to the war, as immediately leading to its termination—we would, as has heretofore been observed, assail the imperious enemy "in season and out of season, at all times and in all manner of ways; not for *his* destruction, but in *self-defence*, for justice sake." In conformity to these wishes, it gives us pleasure to remark, that the general government, having organized its business, is now about to prosecute the war, so far as it depends on the executive departments, in the most effectual and definite manner. Our military affairs are rapidly approaching that state of powerful activity that comports with the will and spirit of the nation.

The "war on the ocean" has, also, met our most sanguine expectations—and the power to injure the enemy at sea, is hourly strengthened, by the daring enterprize of our mariners and merchants. The damage already done to Great Britain is as extensive as we had a right to hope for; and the effect will be felt more severely, in several ways, than in the mere loss of the vessels taken. It will compel her greatly to add to her convoys, and more numerously to man her ships, or abandon many essential branches of trade. Either alternative will be grievous to the merchants and planters; hardly able to bear the present expences, yet compelled to prosecute the commerce. This force in private armed vessels will be augmented by *national* ships; for we believe an addition to our little navy will be among the first measures to claim the attention of congress, now about to convene. The British will be convinced that with their "thousand ships of war," they will find enough to do to preserve their own trade from absolute destruction, *in consequence* of the naval activity of the people of the United States, rendering it too hazardous or too expensive to be prosecuted. Our sailors are not *Frenchmen*. They are at least equal, and in many respects greatly superior to her own, as has already been proved. We rejoice in these things, because they may lead to an honorable peace.

So far all is well: yet there are other points at which the enemy is equally vulnerable, and where we have unquestioned power to *touch* him, that are unvexed by the war. One is, the reception of *British* manufactures; but as this will cease of itself, if the war continue, we pass it over, and confine ourselves to the trade now urged to *Spain* and *Portugal*, as well by *American* merchants as by many BRITISH agents in the United States.

That Britain has some great and *essential* political object in maintaining the war in the peninsula, is indubitable from the vast quantities of blood and treasure she expends to support it. She is not fighting for "*religion*"—for the religion of Spain and Portugal is of the *Romish* church—she refuses the free exercise of *that* persuasion to her own people, and all her *government-priests* pray lustily for its downfall. Nor has the "*liberty*" of the Spaniards and Portuguese any thing to do with the matter, *further than France is to be affected*—if Great Britain loves liberty so dearly, let her give some proof of it *at home*—in *Ireland*, in *India*, where there are subjects enough to exercise her "humanity" for a century, rather than play the knight-errant in favor of a people who hate them as men, and curse them as heretics. We have always believed that *France* and *Great Britain*, contending against one another, have a *common object* in the peninsula, which is merely to thwart the designs of each, *in relation to the other*. For the *people*, neither of them care a single straw, further than they, or their productions, become *agents* of the war. They are equally the enemies of *Spain* and *Portugal*, and both are at hostilities with the rights of humanity—alliance with either is political death.

But at this time it is our interest that the war should continue in the peninsula, because it wastes the strength of our present enemy, and gives us a

high command over his fate—if we do our duty to ourselves. Those countries, ravaged by the adverse parties, must sustain the armies by exterior supplies of provisions. As yet they have been chiefly indebted to the United States for their bread; and immense quantities of flour and grain have lately been shipped, and are now shipping, for *Lisbon* and *Cadiz*, for the *immediate aid and comfort of the British.* Licenses, for this purpose, or security from capture by British vessels of war, have been liberally distributed among us—one vessel from *London* is stated to have brought out a *hundred;* and, if a license should not be at hand, a little "*hard swearing*" will soon convert a genuine *American* vessel into a good *Spanish* bottom, as is done every day.

It is useless to comment much on this matter. It is a monstrous absurdity to supply the enemy with the essentials of life; which he can get from no others than us in quantities sufficient for his wants. The very people who profit by it cry shame upon the government for permitting it. If there is an excess at Lisbon and Cadiz, it will be carried to England, where flour is worth $24 a barrel. This trade must be stopped—the profit of individuals must not render the exertions of the great body of the people ineffectual and void. If we feed the British, supply them with raw materials and *receive their goods,* the war will not terminate soon. Congress will attend to this, immediately. Without adopting measures to prevent a single barrel of flour from leaving the United States that can possibly, or probably, go to the supply of the enemy, many gallant men will die in vain.—Besides, this trade will create, or continue, a most powerful *British interest* (in the literal sense of the phrase) in the United States—for, be it noted, the flour now sent to *Lisbon* and *Cadiz* will be paid for by *British* bills, and then our *suffering* merchants will be crying aloud for their debts due in England! The exportation of specie is prohibited, admitting it might now be had, and return cargoes cannot be obtained; or, if obtained, make the vessels good prizes when overhauled by British cruisers; the licenses only extending, as we are informed, to vessels proceeding thither laden and returning in ballast, even salt being refused to answer that purpose.

No idea of temporary convenience is worthy of a moment's consideration, compared with the general design of obtaining justice and restoring peace, on a permanent basis. The trade alluded to is treason to the people, though lawful; and many engaged in it, would be glad to be stopped; who, while it is permitted, think they "may as well make something by it as others."

Events of the War.

MILITARY.

Invasion of Canada.—Under this head we received by yesterday's mail, two accounts of a strangely opposite nature. One stated that 4,000 troops under general Van Rensellaer had crossed the river at Lewistown, and seized upon the British batteries at Queenstown, after a severe conflict, in which they took 1500 prisoners. The other account says, that *one thousand* men, under gen. Van Rensellaer, passed over—that 400 of them were killed, and 400 surrendered at discretion, for "*want of ammunition.*"—To suppose that they thus crossed the river, in the face of several powerful batteries, and a large body of troops, amply supplied with all sorts of military stores, is impossible. We do not credit the first statement, believing the time has not yet come; and the second is—unworthy of notice, *as it is stated.*

Detachments of troops, with great quantities of all kinds of military stores, are moving to the several frontiers. We learn that gen. Dearborn is about to remove his head quarters to Plattsburg. There is now an abundance of heavy ordnance on the shores of the lakes.

Col. Newman, with 117 Georgia volunteers, had the last of September, an engagement with an equal number of Indians, near the Lochaway town. The latter were defeated with thirty killed, among whom was their king *Pain.* The Americans had one killed and ten wounded.

Extract of a letter from S. Dinsmoore, Esq. agent for the Choctaw Indians, dated September 21.

"The conference with the Choctaws, Cherokees and Chickasaws, closed last evening with demonstrations of apparent satisfaction. The several speakers expressed the warmest attachment to the United States, their gratitude for the incipient arts received from them, and their determination to adhere to them as their only safety and dependence. Rennutoo, the Cherokee, had the advantage of the Choctaws; he was dressed wholly in the manufacture of his own family, and took occasion to urge with energy the advantages derived from the paternal care of the United States, and the intercourse of white people among them.

Letters have been received from Gen. Harrison of as late date as the 12th Oct. at which time his head quarters were at Franklinton, Ohio. On reaching Gen. Winchester with the army under him at fort Defiance, on the evening of the 2d inst. he had the mortification to learn that the enemy had passed that place three or four days before. Gen. Winchester met them the day after his departure from Fort Wayne, but kept his force so well prepared for action that they dared not attack him. In the course of the march, in skirmishing he lost an ensign and six privates killed, and one wounded. Gen. Harrison was employing himself in the greatest zeal in arranging depots of provisions, clothing, &c. opening roads, building boats, erecting blockhouses, &c. preparatory to his march to the borders, whither he proposed to proceed in a day or two. Fort Wayne had been again besieged by the Indians, after the main body of the army left it, and again relieved. Several of the Miami and other Indians had come in to gen. Harrison and thrown themselves on the mercy of the government, agreeing to abide by the decision of the President in relation to them, whatever it might be.

Nat. Intel.

Within the last five or six weeks quantities of provisions, equal we should suppose to the support of four times the number of men that will be collected at Plattsburg this fall, for a whole year, have been transported through this place for the northern army. And during the last week more than one hundred and fifty waggon loads of blankets and other coarse goods, from Montreal, have passed through here for Albany. *Lansinburg Gazette.*

CANANDAIGUA, Oct. 6.

Exploit of the British.—On Thursday night last a boat with 40, and a barge with 30 men, from the British brig Royal-George, which lay off, came into the mouth of the Genessee river, and cut away the fastings of two vessels, and towed them out without any opposition. One of them was a schooner, the Lady-Murray, owned by captain William M'Kinstry, of Penfield, in this county; the other a small vessel, used as a United States revenue-cutter. The next morning, the British boat returned to the store-house of Mr. Spalding, and required the sails and rigging belonging to the schooner which had been dismantled. Finding they were in the store-house, they en-

tered and took them. They were also about taking a barrel of whiskey; but on Mr. Spalding telling them it was private property, and that he would give them two gallons to drink, they departed, declaring that they wished to take nothing but vessels, or such other property as would lessen our means of operating against Canada.

Extract of a letter from his excellency R. J. Meigs, to a gentleman in Chillicothe, dated

URBANA, Oct. 8, 1812.—"Our army of Ohio is encamped at Manary's, 4 miles from the Indian villages. Generals Harrison and Tupper, when they arrived at Fort Defiance, found the Indians fled—and the British artillery supposed to be taken by water down the Maume. Gen. Harrison was on Sunday last pressing down the Maume, hoping to cut off their retreat to Brownstown.—Two hundred waggons marched from St. Mary's 3 days ago with biscuit, flour and bacon, for Defiance. Fort Wayne is again besieged by the Indians—The troops of Ohio, gen. Harrison does not wish to advance further than Manary's until he orders. We have with us a travelling forge, 3 ammunition waggons, 4 pieces of artillery, 1200 troops, one company of spies, one company of dragoons, and at last have tents and camp equipage in good order. I shall join the army tomorrow."

PLATTSBURG, October 9, 1812.

On Sunday last, the British made an attack upon the village of Ogdensburg. The Friday and Saturday preceding, they cannonaded the town for several hours each day, from the fort at Prescot; and on Sunday, having prepared 40 boats, with from 10 to 15 armed men in each, and six pieces of artillery, they advanced to storm the town. When they advanced within a short distance, the American troops under general Brown commenced a warm fire upon them, which continued, on both sides, for about 2 hours, at which time, the British, having two of their boats so knocked to pieces as to render it necessary to abandon them, and one taken, on board of which was six men, were compelled to relinquish the unprofitable contest, and fled precipitately to Prescot. No damage was sustained on our side, except the injury of some buildings by their cannonading.

According to the information given by a man who deserted from the British boat on Thursday night, the Royal-George left Newark four days previous, with a view of taking out the above vessels—well knowing, it would seem that we had no force to prevent it. —— (*Repos.*

Lt. Col. Miller who was surrendered at Detroit, is to join the 6th regiment under col. Simmons, now on the Canada lines.

The contemplated regiment of volunteer artillery in New York, mentioned in 93d page of this volume, had more than 800 men at our last accounts of its progress. It was expected to take the field in 16 or 18 days!—This is indeed, "efficient patriotism."

Col. Fenwick has placed Fort Niagara on a very respectable establishment.

Notwithstanding the great drains made by the troops, there is yet at Albany 3,900 coats, 1500 pair woolen overalls, 3000 vests, &c. The current demands will hereafter be satisfied with all promptitude.

It is stated in a Kentucky paper, that many of the unfortunate Canadians who joined gen. *Hull*, have been executed. The informant of the editor says, he saw nine of them hang on one gallows.

The Indian tribes in the western part of New York have agreed to furnish 2000 warriors to contend with the hostile Indians. They are to be commanded by the famous old chief *Red Jacket*.

There have been several smart skirmishes between some small bodies of our troops and certain tribes of the southern Indians. But from the exertions now making we believe the war in that quarter will pretty soon terminate—if the *British* are expelled from Florida. The safety of the southern states demands it, *and it must be done*. There are most important reasons for it. And the bill which passed the house of representatives of the United States, authorising the President to take possession of the country under certain circumstances, (which have now happened) but which was rejected by the senate, we hope, will become a law immediately on the meeting of congress.

NAVAL.

Capt. HULL is to take the command of the naval establishment for the defence of New-York. Additional works are contemplated at the Narrows, which it is supposed will render that important place entirely secure. The mere appointment of capt. Hull has inspired the people with confidence.

The privateer schr. Providence, of Providence, R. I. has been captured by the British three masted schr. Dominica and sent into St. Thomas'.

The keel of a 32 gun frigate has been laid at Sackett's Harbor—she is to be launched in 60 days.

Admiral Warren's squadron, consisting of 2 vessels of 74 guns, 1 of 64 and 2 frigates of 38, is fitting out at Halifax for a secret expedition.

The British frigate Barbadoes was cast away on Cape Sables, about the first of October. We understand the crew were saved.

It is confidently said the *British* are establishing a navy yard at Pensacola, in *East Florida*.

The U. S. ship Wasp is at sea—she was spoken 25 leagues from Cape Henlopen, on Tuesday last, one day out.

A British squadron of 6 frigates and a brig was off the Delaware a few days ago. Three enemy brigs were off Charleston bar about 10 days since, with one brig, four schrs. and a sloop, prizes. They are the Sappho, O'Grady, of 18 32 pound carronades; the Rhodian, Boss, 10 12's and 2 long 6's; and the Variable, Yates, 12 12-pound carronades.

We learn that the United States have purchased all the private vessels on lake Ontario. They will be immediately armed and fitted out by commodore Chauncey.

Capt. Dobbins, of Erie, has received the appointment of sailing master, from the President of the United States, with authority to contract for the building of three or four gun boats on Lake Erie.—Capt. D. is making arrangements to have them completed with the least possible delay.

The Secretary of the Navy to Lt. CRANE, *late of the Nautilus.*

NAVY-DEPARTMENT, *7th Oct.* 1812.

SIR—The following is the opinion of the court of inquiry convened agreeably to your request, for the purpose of investigating the circumstances of the loss of the late U. S. brig *Nautilus*:—

"The court were unanimously and decidedly of opinion, that in the capture of the late U. S. brig *Nautilus*, *lieut. Crane* her late commander, and his officers, are entirely free from the least blame or censure, and do consider lieut. *Crane* did every thing to prevent said capture that a skilful and experienced officer could possibly do."

This opinion of the court, sir, only confirms the impression confidently entertained with respect to your conduct on the occasion to which it refers.

I have the honor to be, respectively, sir, your obedient servant. PAUL HAMILTON.

Wm. M. Crane, esq. of the Navy, Boston.

Extract of a letter from an American gentleman at Port Rico, dated 21st, Sept. 1812, just from St Thomas.

Capt. Hoskins, of the three masted lugger Oronoko, of 14 guns and 80 men, publicly declared, if he should fall in with any Yankee privateer, he would show no quarters. Information of this was sent to Capt. Stafford, of the Baltimore privateer Dolphin; capt. Stafford sent him a challenge, and Hoskins dared not to meet him.

BOSTON, Oct. 13.—Privateer schr. Fame, Green, from a cruise of 15 days, returned on Saturday evening last, has taken two schrs. one loaded with salmon, oil, and beaver, (considered valuable); the other a new vessel, ballasted with sugars—parted with them to the westward of Halifax. ☞*It is worthy of remark, that the above mentioned privateer, was a privateering the last (revolutionary) war.*

BALLSTON-SPA, Oct. 14.

Dominion of the Lakes.—Government, it seems, are at length wide awake on this subject. Capt. Chauncey and about 700 brave tars, and about 150 marines have within a few weeks past proceeded through Schenectady on their way to the lakes Erie and Ontario. They were in high spirits and will no doubt shortly wrest the trident from the mistress of the ocean, as far as it respects the dominion of the great lakes. About 100 ship builders and carpenters have also gone on, and a gentleman from the westward informs that a war vessel, pierced for 18 guns, was actually built from the keel in 15 days. Adam and Noah Brown were the builders. This looks like energy.

I am informed (but the information may be like a thousand other rumors afloat) that the American naval force on lake Ontario, has been considerably augmented, and the commander has determined to go out this week, for the purpose of attacking the *royal family** on that lake.

BATAVIA, N. Y. Oct. 10.—On the 8th inst. in the afternoon, two British armed vessels the Caledonia and Detroit (formerly the American brig Adams) arrived at Fort Erie from Malden, and anchored under the guns of the fort. Capt. ELLIOTT, the naval commander on lake Erie, immediately conceived the project of cutting these vessels out of the harbor in the course of the succeeding night. Accordingly, the necessary arrangements having been made, about one hundred volunteers, consisting principally of sailors, under the command of capt. Elliot, armed with sabres and pistols, embarked in two boats about midnight, and rowing into the lake above the vessels, drifted down with the current till they were hailed by a centinel from one of the vessels, when they sprang to their oars and closing in upon the vessels, they boarded them, drove the British below the decks, cut the cables and towed them down the lake.

The night being dark and cloudy, the vessels ran aground, the Caledonia ran close into the ferry at Black Rock, and the Detroit on the upper end of Squaw-Island near the middle of Niagara river. In their passage down and while they were aground, the British opened their batteries upon them, and the Americans returned the fire from the Detroit; but finding they could not bring the guns to bear upon the enemy to advantage, they left her.

About 10 o'clock next morning, a company of British regulars from Fort Erie, boarded the Detroit with an intention to destroy the military stores with which she was principally laden; but they were dislodged by a detachment of volunteers under the command of capt. Cyrenus Chapin, who crossed over to Squaw-Island for that purpose.

* The British vessels—so called from their names.

About 3 o'clock in the afternoon of the same day the British boarded the Detroit a second time, and were again dislodged. In this second attempt, three of the British were taken prisoners and a considerable number of them wounded. During the principal part of the day the British kept up a heavy fire from their batteries upon the vessels, for the purpose of destroying them, and to prevent them from falling into our hands.

The Caledonia, however, with her cargo of fur, estimated at $150,000, has been secured by our people, who after removing the principal part of the military stores from the Detroit, set her on fire and abandoned her.

In this gallant enterprize, about 50 of the British were taken prisoners, and 28 prisoners of the 4th regiment of Hull's army, retaken. On our part, our informant states, 4 killed and 7 wounded. One killed in boarding, and the others from the batteries on the British shore Among the killed we have to lament the loss of the brave major Cuyler, aid to gen. Hull, who fell on the first fire from the British batteries, and on Saturday last he was buried with the honors of war.

American Prizes.

(WEEKLY LIST—CONTINUED FROM PAGE 110.)

220. Schooner Jenny, laden with rum, sugar, &c. sent into Portland by the Teazer privateer.

221. Schooner Adela, from Martinique, under Spanish colors, laden with sugars—sent into New-York by the Rosamond of that port.

222. Brig Point-Shares, from St. Johns, N. B. for Barbadoes, captured by the letter of marque schooner Baltimore, of Baltimore, on her voyage to France, and sent into Baltimore.——The brig is laden with fish.

223. Brig San Antonio (under Spanish colors) from Guernsey for Jacquemel, captured on the *coast of Africa*, by the Marengo, of New-York. This vessel is richly laden, and supposed to be British property. She has arrived at Philadelphia.

224. Brig Detroit, (formerly the Adams, surrendered by general *Hull*,) 18 guns—captured by several boats from Buffaloe. See preceding column for an account of this brilliant affair.

225. Schooner Caledonia, richly laden with furs, worth 150,000 dollars, captured as above.

226. Schooner Single-Cap, sent into the Mississippi, by the Matilda, of Philadelphia.

227. Schooner Fame, from Trinidad for Cayenne, laden with dry-goods, oil, &c. sent into Savannah by the Nonsuch, of Baltimore.

228. Ship Phœnix, 12 guns, 17 men, from Bermuda for Jamaica, cargo, 100 pipes Fayal wine—sent into Charleston by the Mary-Ann, of that port.

No 218—fill the blank, and read brig "Concord."

The Chronicle.

London dates of the 31st of August, and Paris papers of the 8th of Sept. have been received at New-York. One of the former says—"that the Americans, in three weeks after the war, had 100 privateers out, which, they say, sail like the Devil, and have done much damage."

The general calculation in England was, that rescinding the orders in council, would produce, on our part, a cessation of hostilities.

Price of Stocks.—Reduced, 58 1-8; Consols, 58 5-8; Omnium, 5 3-8 prem. Aug. 31.

Despatches of great importance were this day sent off from lord Castlereagh's office for America. They

will be conveyed from Falmouth in the Swiftsure packet, which is fitted up as a flag of truce, her guns and ammunition having been landed. These despatches are said, in the same paper, to contain "a calm, dispassionate, yet dignified *remonstrance* to the American government on the subject of the line of conduct which has guided their councils for years," &c. We shall probably see it when congress sits.

Great quantities of arms are exporting from England to Spain and the Baltic.——50,000 stand have been sent to the north.

A series of French bulletins of the grand army, to the 14th, dated at Vilepsk, in Russia, is received.—By them it appears that the French had been uniformly successful; the Russians retiring and the French advancing, within 18 leagues of *Moscow*.—The latter had burnt the city of Smolenski, which contained 12,000 inhabitants. Riga was besieged by marshal Davoust. Several severe *skirmishes* had taken place, in one of which the French took 100 pieces of cannon, 1500 prisoners, and killed and wounded 6,000 Russians. The effectual force of France employed against Russia is reported to be 687,000 men.

Massena passed through Bordeaux on the 1st of Sept. for Spain, and large bodies of troops are pushing into the peninsula.———A new conscription of 150,000 men had been made. The French force in Spain, after their defeat at Salamanca, has been estimated at more than that number.

Francis Xavier Muller, of Baltimore, whilst attempting to swim to the shore from the privateer Paul Jones, was taken down by an Alligator, in the Savannah river.

On counting the votes, it appeared that JONAS GALUSHA, Esq. [republican] was elected governor of Vermont, by a majority of 3208 votes. Every department of the government of this state is republican.

The New-York Gazette of the second inst., says, that—"Yesterday afternoon the streets of this city were crowded with people gazing at the SUN, MOON, and a STAR. The latter was visible to the naked eye, apparently but a few feet below the moon, and rather to the northward and westward of it.

NEW-YORK, Oct. 17.—The British frigate Junon, capt. Saunders, two weeks from Halifax, arrived within our Hook, as a flag of truce, having despatches from admiral Warren, addressed to Mr. Monroe, our secretary of state. An officer with despatches came up this morning in Gun-boat 107, Costigan, who went with the messenger to the agent's office. The despatches go to-day for Washington. The frigate, it is said, will remain at anchor in the bay, for any reply which may be made by our government.

We are informed that 30 furnaces are in operation at the KENHAWA salt works, each of which make about 300 bushels a week—or in the whole 9000 bushels weekly. The current selling price is sixty-two and a half cents a bushel.

A letter from England dated August 12, says the want of provisions is dreadful. "Flour is up to 110*s. per barrel*"—$24 42.

The *National Intelligencer* informs that the Chickasaw, Cheerokee and Choctaw Indians are determined to remain friendly to the United States.

HERKIMER, N. Y. Oct. 12.—I have another word of comfort for the friends of our good old mother England. On the 10th inst. nearly 200 *merino sheep* in a drove, were driven through here, on their way to a western county; and we have thousands of these enemies to British monopoly already in the district.

The British cartel brig Swiftsure has arrived at New York, from Falmouth, Eng. via Halifax, with despatches, said to be very important. They were delivered to general Armstrong, and by him forwarded to Washington, where they have arrived.

Another arrival at New-York gives us London dates of the 6th of September—but they furnish no important articles.

Gen. Barker, republican, has been elected mayor of the city of Philadelphia.

Flour at St. Bartholomews $32 per barrel—at St. Thomas' 30 to 32—at Tortola 35—at Barbadoes 40—at Guadaloupe 40.

The federalists have succeeded in New Jersey—and have a majority in the legislature. The particulars have not reached us.

A vessel has arrived in England having on board a minister to the United States from Sweden.

Massachusetts legislature.—The two branches of the legislature of Massachusetts are endeavoring to pass a law for the choice of electors of President.—They are situated, in fact and effect, precisely as *Pennsylvania* was 12 years ago. The senate of that state had a federal majority of one [or two] votes—the house of representatives was democratic. In Massachusetts the character of the two houses is reversed. The house of representatives has proposed a general ticket, and the senate have refused to pass the law, wishing the state districted as for members of congress, and the two additional electors to be chosen by a general vote. Their is no probability of their agreeing except by a compromise, as they did in *Pennsylvania*; which neutralized that state, except in a single vote. These two wrongs may produce one right. It may influence the states so to alter the constitution, that all the electors of president shall be chosen in *one way*—which is the only fair method of obtaining the will of the majority.

Dispatches (says the National Intelligencer) from admiral sir J. B. Warren to the secretary of state and to Mr. Baker, the late British secretary of legation, arrived in New-York a few days ago, in the frigate Junon. Agreeably to the arrangement respecting cartels and flags of truce, they were handed to brigadier-general Armstrong, commanding at N. York, who forwarded them to this city, by captain Jacob Lewis, who arrived here on Monday. The contents of the dispatches have not transpired.

A TIMELY CAUTION.

The editor of the *Weekly Register* will constantly endeavor to give his numerous readers a true statement of *things as they are. Party feelings shall not induce him to violate truth.* He wishes his paper to be a *record of facts*; and, so far as it is possible to ascertain them, so it shall be; let them operate to the praise or dispraise of whom they may. Many horrible falsehoods are circulated to weaken the government, dispirit the people, and give aid to the enemy. It is not possible for us to notice them all; and we do not wish to give remembrance to any particular story. This work shall not become the *partizan* of *James Madison*, *De Witt Clinton* or *Rufus King*. The editor would "play a higher game." He would use every effort to place *truth* before the people—to urge the superiority of *republican* principles, on their broad and liberal basis—to provoke a "holy hatred" of kings and *their* priests, and discountenance every thing partaking of a *foreign* partiality. Such, at least, are his sincere desires. It gives him much pleasure, and promotes an honest pride, to be informed, that this favored work is so received by thousands—and, as deserving such confidence, he feels it his duty to give this caution, at the moment, when, as important operations may be expected, falsehood will the more and more abound.

Samuel Pleasants, Esq. of Richmond, editor of the Virginia Argus, will obligingly attend to the business of the editor; and is authorised, generally, to receive money on account of the *Weekly Register*.

To Edward Randolph, Esq. of Pinkneyville, Mis. Ter. the subscribers at that place and in the adjacent country will be pleased to make payment.

☞ The friends of this work, acting as agents, are requested, in all instances, when forwarding money, to give the *names* of the gentlemen from whom they have received it. The paper will not be sent to those who are not punctual. They are also requested not to receive new subscribers that do not pay a year in advance.

THE WEEKLY REGISTER.

No. 9 of vol. III.] BALTIMORE, SATURDAY, October 31, 1812. [whole no. 61.

Hæc olim meminisse juvabit.—Virgil.

Printed and published by H. Niles, South-st. next door to the Merchants' Coffee House, at $ 5 *per annum.*

Constitution of Massachusetts

A constitution or frame of government agreed upon by the delegates of the people of Massachusetts-Bay, in convention, begun and held at Cambridge, on the first of September 1779, *and continued by adjournment, to the second of March,* 1780:

PREAMBLE.

THE end of the institution, maintenance, and administration of government, is, to secure the existence of the body politic, to protect it, and to furnish the individuals who compose it, with the power of enjoying in safety, and tranquility, their natural rights, and the blessings of life: and whenever these great objects are not obtained, the people have a right to alter the government, and to take measures necessary for their safety, prosperity, and happiness.

The body politic is formed by a voluntary association of individuals. It is a social compact, by which the whole people covenants with each citizen, and each citizen with the whole people, that all shall be governed by certain laws for the common good.—It is the duty of the people, therefore, in framing a constitution of government, to provide for an equitable mode of making laws, as well as for an impartial interpretation, and a faithful execution of them; that every man may, at all times, find his security in them.

We, therefore, the people of Massachusetts, acknowledging, with grateful hearts, the goodness of the great legislator of the universe, in affording us, in the course of his providence, an opportunity, deliberately and peaceably, without fraud, violence or surprise, of entering into an original, explicit, and solemn compact with each other; and of forming a new constitution of civil government, for ourselves and posterity: and devoutly imploring his direction in so interesting a design, do agree upon, ordain and establish, the following declaration of rights, and frame of government, as the constitution of the commonwealth of Massachusetts.

PART I.—A DECLARATION OF RIGHTS.

Of the Inhabitants of the Commonwealth of Massachusetts.

Art. I. All men are born free and equal, and have certain natural, essential, and unalienable rights: among which may be reckoned the right of enjoying and defending their lives and liberties; that of acquiring, possessing, and protecting property; in fine, that of seeking and obtaining their safety and happiness.

II. It is the right, as well as the duty, of all men in society, publicly and at stated seasons, to worship the Supreme Being, the great creator and preserver of the universe. And no subject shall be hurt, molested, or restrained in his person, liberty or estate, for worshipping God in the manner and seasons most agreeable to the dictates of his own conscience; or for his religious profession or sentiments—provided he doth not disturb the public peace, or obstruct others in their religious worship.

III. As the happiness of a people, and the good order and preservation of civil government, essentially depend upon piety, religion and morality; and as these cannot be generally diffused through the community, but by the institution of a public worship of God, and of public institutions in piety, religion and morality: Therefore, to promote their happiness, and to secure the good order and preservation of their government, the people of this commonwealth have a right to invest their legislature with power to authorise and require, and the legislature shall, from time to time, authorise and require the several towns, parishes, precincts and other bodies politic, or religious societies, to make suitable provision, at their own expence, for the institution of the public worship of God, and for the support and maintenance of public protestant teachers of piety, religion and morality, in all cases, where such provision shall not be made voluntarily.

All the people of the commonwealth have also a right to, and do, invest their legislature with authority, to enjoin upon all the subjects, an attendance upon the instructions of the public teachers, as aforesaid, at stated times and seasons, if there be any one whose instructions they can conscientiously and conveniently attend:—

Provided, notwithstanding, that the several towns, parishes, precincts, and the other bodies politic, or religious societies, shall, at all times, have the exclusive right of electing their public teachers, and of contracting with them, for their support and maintenance.

All monies, paid by the subject, to the support of public worship, and of the public teachers aforesaid, shall, if he require it, be uniformly applied to the support of the public teacher, or teachers of his own religious sect or denomination, provided there be any, on whose instructions he attends, otherwise it may be paid towards the support of the teacher, or teachers, of the parish, or precinct, in which the said monies are raised.

And every denomination of christians, demeaning themselves peaceably, and as good subjects of the commonwealth, shall be equally under the protection of the law: and no subordination of any sect, or denomination to another, shall ever be established by law.

IV. The people of this commonwealth have the sole and exclusive right of governing themselves, as a free, sovereign, and independent state: and do, and forever hereafter shall, exercise and enjoy, every power, jurisdiction and right, which is not, or may not, hereafter, be by them expressly delegated to the United States of America, in congress assembled.

All power residing originally in the people, and being derived from them, the several magistrates, and officers of government, vested with authority, whether legislative; executive or judicial, are their substitutes and agents, and are at all times accountable to them.

VI. No man, or corporation, or association of men distinct from those of the community, have any other title to obtain advantages, or particular and exclusive privileges, than what arises from the consideration of services rendered to the public. And this title being, in nature, neither hereditary, nor transmissible to children or descendants or relations of blood, the idea of a man born a magistrate, lawgiver, or judge, is absurd and unnatural.

VII. Government is instituted for the common good; for the protection, safety, prosperity and happiness of the people; and not for the profit, honor, or private interest of any one man, family or any one class of men. Therefore, the people alone have an incontestible, unalienable, and indefeasible right, to institute government, and to reform, alter, or totally change the same, when their protection, safety, prosperity and happiness require it.

VIII. In order to prevent those, who are vested with authority from becoming oppressors, the people have a right, at such periods and in such manner as they shall establish by the frame of government, to cause their public officers to return to private life: and to fill up vacant places, by certain and regular elections and appointments.

IX. All elections ought to be free; and all the inhabitants of this commonwealth, having such qualifications as they shall establish by their frame of government, have an equal right to elect officers, and to be elected for public employments.

X. Each individual of the society has a right to be protected by it, in the enjoyment of his life, liberty and property, according to the standing laws. He is obliged consequently, to contribute his share, to the expense of this protection; to give his personal service, or an equivalent when necessary.———But no part of the property of any individual can, with justice, be taken from him, or applied to the public use, without his own consent, or that of the representative body of the people of the people. In fine, the people of this commonwealth are not controllable by any other laws, than those to which their constitutional representative body have given their consent. And whenever the public exigencies require, that the property of any individual should be appropriated to public uses, he shall receive a reasonable compensation therefor.

XI. Every subject of the commonwealth ought to find a certain remedy, by having recourse to the laws for all injuries or wrongs which he may receive in his person, property or character. He ought to obtain right and justice freely, and without being obliged to purchase it—completely, and without any denial—promptly and without delay—conformably to the laws.

XII. No person shall be held to answer for any crime or offence until the same is fully and plainly, substantially and formally, described to him; or be compelled to accuse or furnish evidence against himself. And every person shall have a right to produce all proofs, that may be favorable to him; to meet the witnesses against him, face to face, and be fully heard in his defence, by himself or his counsel, at his election. And no person shall be arrested, imprisoned, or despoiled, or deprived of his property, immunities, or privileges, put out of the protection of the law, exiled or deprived of his life, liberty or estate, but by the judgment of his peers, or the law of the land.

And the legislature shall not make any law, that shall subject any person to a capital or infamous punishment (excepting for the government of the army and navy) without trial by jury.

XIII. In criminal prosecutions, the verification of facts, in the vicinity where they happen, is one of the greatest securities of the life, liberty and property of the citizen.

XIV. Every person has a right to be secure from all unreasonable searches, and seizures, of his person, his houses, his papers, and all his possessions. All warrants, therefore, are contrary to this right, if the cause or foundation of them be not previously supported by oath or affirmation; and if the order, in a warrant to a civil officer, to make search in all suspected places, or to arrest one or more suspected persons, or to seize their property, be not accompanied with a special designation of the persons or objects of search, arrest, or seizure. And no warrant ought to be issued, but in such cases, and with the formalities, prescribed by the laws.

XV. In all controversies concerning property, and in all suits between two or more persons, (except in cases, in which it has heretofore been otherwise used and practised) the parties have a right to a trial by a jury; and this method of procedure shall be held sacred; unless, in cases arising on the high seas, and such as relate to mariner's wages, the legislature shall hereafter find it necessary to alter it.

XVI. The liberty of the press is essential to the security of freedom in a state; it ought not, therefore, to be, restrained in this commonwealth.

XVII. The people have a right to keep and to bear arms for the common defence. And as, in time of peace, armies are dangerous

to liberty, they ought not to be maintained, without the consent of the legislature; and the military power shall always be held in exact subordination to the civil authority, and be governed by it.

XVIII. A frequent recurrence to the fundamental principles of the constitution, and a constant adherence to those of piety, justice, moderation, temperance, industry, and frugality, are absolutely necessary to preserve the advantages of liberty, and to maintain a free government. The people ought, consequently, to have a particular attention to all those principles in the choice of their officers and representatives; and they have a right to require of their law-givers and magistrates, an exact and constant observance of them, in the formation and execution of all laws, necessary for the good administration of the commonwealth.

XIX. The people have a right, in an orderly and peaceable manner, to assemble to consult upon the common good; give instructions to their representatives: and to request of the legislative body, by the way of addresses, petitions or remonstrances, redress of the wrongs done them, and of the grievances they suffer.

XX. The power of suspending the laws, or the execution of the laws, ought never to be exercised, but by the legislature; or by authority derived from it, to be exercised in such particular cases only, as the legislature shall expressly provide for.

XXI. The freedom of deliberation, speech, and debate, in either house of the legislature, is so essential to the rights of the people, that it cannot be the foundation of any accusation or prosecution, action, or complaint, in any other court or place whatsoever.

XXII. The legislature ought frequently to assemble, for the redress of grievances, for correcting, strengthening, and confirming the laws, and for making new laws, as the common good may require.

XXIII. No subsidy, charge, tax, impost, or duties, ought to be established, fixed, laid, or levied, under any pretext whatever, without the consent of the people, or their representatives in the legislature.

XXIV. Laws, made to punish for actions, done before the existence of such laws, and which have not been declared crimes by preceding laws, are unjust, oppressive, and inconsistent with the fundamental principles of a free government.

XXV. No person ought, in any case, or in any time, to be declared guilty of treason or felony by the legislature.

XXVI. No magistrate, or court of law, shall demand excessive bail or sureties, impose excessive fines, or inflict cruel or unusual punishments.

XXVII. In time of peace, no soldier ought to be quartered in any house, without the consent of the owner; and in time of war, such quarters ought not to be made, but by the civil magistrate, in manner ordained by the legislature.

XXVIII. No person can, in any case, be subjected to law martial, or to any penalties or pains, by virtue of that law, (except those employed in the army or navy, and except the militia in actual service) but by authority of the legislature.

XXIX. It is essential to the preservation of the rights of every individual, his life, liberty, property and character, that there be an impartial interpretation of the laws, and administration of justice. It is the right of every citizen, to be tried by judges, as free, impartial and independent, as the lot of humanity will admit. It is, therefore, not only the best policy, but for the security of the rights of the people, and of every citizen, that the judges of the supreme judicial court should hold their offices as long as they behave themselves well; and that they should have honorable salaries, ascertained and established by standing laws.

XXX. In the government of this commonwealth, the legislative department shall never exercise the executive and judicial powers, or either of them: the executive shall never exercise the legislative and judicial powers, or either of them: the judicial shall never exercise the legislative and executive powers, or either of them: to the end, that it may be a government of laws, and not of men.

PART II.—FRAME OF GOVERNMENT.

The people inhabiting the territory formerly called the Province of Massachusetts Bay, do hereby solemnly and mutually agree with each other, to form themselves into a free, sovereign and independent body-politic, or state, by the name of, *The commonwealth of Massachusetts.*

CHAP. I.—THE LEGISLATIVE POWER.

Sec. I.—The General Court.

Art. I. The department of legislation shall be formed by two branches, a senate and house of representatives: each of which shall have a negative on the other.

The legislative body shall assemble every year, on the last Wednesday of May, and at such other times as they shall judge necessary; and shall dissolve, and be dissolved, on the day next preceding the said last Wednesday in May; and shall be styled, *The General Court of Massachusetts.*

II. No bill or resolve of the senate or house of representatives, shall become a law, and have force as such, until it shall have been laid before the governor for his revisal: and if he, upon such revision, approve thereof, he shall signify his approbation by signing the same. But if he have any objection to the passing of such bill or resolve, he shall return the same together with his objections thereto, in writing, to the senate or house of representatives, in whichsoever the same shall have originated; who shall enter the objections sent down by the governor, at large, on their records, and proceed to re-consider the said bill or resolve: But if after such re-consideration, two-thirds of the said senate or house of representatives, shall, notwithstanding the said objections, agree to pass the same, it shall, together with the objections, be sent to the other branch of the legislature, where it shall also be re-considered; and if approved by two-thirds of the members present, it shall have the force of a law: But in all such cases the votes of both houses shall be determined by yeas and nays: and the names of the persons voting for or against the said bill or resolve, shall be entered upon the public records of the commonwealth.

And in order to prevent unnecessary delays, if any bill or resolve shall not be returned by the governor within five days, after it shall have been presented, the same shall have the force of a law.

III. The general court shall forever have full power and authority to erect and constitute judicatories, and courts of record, or other courts, to be held in the name of the commonwealth, for the hearing, trying and determining, of all manner of crimes, offences, pleas, processes, plaints, actions, matters, causes, and things whatsoever, arising or happening within the commonwealth, or between or concerning persons inhabiting or residing, or brought, within the same; whether the same be criminal or civil, or whether the said crimes be capital or not capital, and whether the said pleas be real, personal or mixed; and for the awarding and making out of execution thereupon: to which courts and judicatories, are hereby given and granted, full power and authority, from time to time, to administer oaths or affirmations, for the better discovery of truth in any matter in controversy or depending before them.

IV. And further, full power and authority are hereby given and granted to the said general court, from time to time, to make, ordain, and establish, all manner of wholesome and reasonable orders, laws, statutes and ordinances, directions and instructions, either with penalties or without (so as the same be not repugnant or contrary to this constitution) as they shall judge to be for the good and welfare of this commonwealth, and for the government and ordering thereof, and of the citizens of the same, and for the necessary support and defence of the government thereof; and to name and settle annually, or provide by fixed laws, for the naming and settling all civil officers, within the said commonwealth, the election and constitution of whom are not hereafter, in this form of government, otherwise provided for; and to set forth the several duties, powers and limits of the several civil and military officers of this commonwealth, and the forms of such oaths or affirmations shall be respectively administered unto them for the execution of their several offices and places, so as the same be not repugnant or contrary to this constitution: and to impose and levy proportional and reasonable assessments, rates, and taxes upon all the inhabitants of, and persons resident, and estates lying, within the said commonwealth; and also to impose and levy, reasonable duties and excises upon any produce, goods, wares, merchandises and commodities whatsoever, brought into, produced, manufactured, or being within the same, to be issued and disposed of by warrant under the hand of the governor of this commonwealth for the time being, with the advice and consent of the council, for the public service, in the necessary defence and support of the government of the said commonwealth, and the protection and preservation of the citizens thereof, according to such acts as are or shall be in force within the same.

And while the public charges of government, or any part thereof, shall be assessed on polls and estates in the manner that has hitherto been practised; in order that such assessments may be made with equality, there shall be a valuation of estates within the commonwealth taken anew once in every ten years, at the least, and as much oftener as the general court shall order.

CHAP. I. SECT. II.—*Senate.*

Art. I. There shall be annually elected by the freeholders and other inhabitants of this commonwealth, qualified as in this constitution is provided, forty persons to be counsellors and senators for the year ensuing their election: to be chosen by the inhabitants of the districts into which the commonwealth may, from time to time, be divided by the general court, for that purpose. And the general court, in assigning the numbers to be elected by the representative districts, shall govern themselves by the proportion of the public taxes paid by the said districts: and timely make known to the inhabitants of the commonwealth, the limits of each district, and the number of counsellors and senators to be chosen therein: provided, that the number of such districts shall be never less than thirteen; and that no district be so large as to entitle the same to choose more than six senators.

And the several counties in this commonwealth shall, until the general court shall determine it necessary to alter the said districts, be districts for choice of counsellors and senators (except that the counties of Dukes county and Nantucket, shall form one district for that purpose) and shall elect the following number for counsellors and senators, viz: Suffolk six, Essex six, Middlesex five, Hampshire four, Plymouth three, Barnstable one, Bristol three, York two, Dukes county and Nantucket one, Worcester five, Cumberland one, Lincoln one, Berkshire two.

II. The senate shall be the first branch of the legislature; and the senators shall be chosen in the following manner, viz. There shall be a meeting on the first Monday in April, annually, forever, of the inhabitants of each town in the several counties of this commonwealth; to be called by the selectmen, and warned in due course of law, at least seven days before the first Monday in April, for the purpose of electing persons to be senators and counsellors. And at such meetings, every male inhabitant, of twenty-one years of age and upwards, having a freehold estate within the commonwealth of the annual income of three pounds, or any estate of the value of sixty pounds, shall have a right to give in his vote for the senators, for the district of which he is an inhabitant. And to remove all doubts concerning the word "inhabitant" in this constitution, every person shall be considered as an inhabitant (for the purpose of electing and being elected into any office or place within this state) in that town, district, or plantation where he dwelleth or hath his home.

The selectmen of the several towns shall preside at such meetings impartially; and shall receive the votes of all the inhabitants of such towns, present and qualified to vote for senators; and shall sort and count them in open town meeting, and in presence of the town clerk, who shall make a fair record, in presence of the selectmen, and in open town meeting, of the name of every per-

sor voted for, and of the number of votes against his name; and a fair copy of this record shall be attested by the selectmen and the town clerk, and shall be sealed up, directed to the secretary of the commonwealth for the time being, with a superscription, expressing the purports of the contents thereof, and delivered, by the town clerk of such town, to the sheriff of the county, in which such town lies, thirty days at least before the last Wednesday in May, annually; or it shall be delivered into the secretary's office, seventeen days, at least, before the said last Wednesday in May; and the sheriff of each county shall deliver all such certificates, by him received, into the secretary's office, seventeen days before the said last Wednesday in May.

And the inhabitants of plantations unincorporated (qualified as this constitution provides) who are or shall be empowered and required to assess taxes upon themselves, toward the support of government, shall have the same privilege of voting for counsellors and senators in the plantations where they reside, as town inhabitants have in their respective towns; and the plantation-meetings, for that purpose, shall be held annually on the same first Monday in April, at such place in the plantations respectively, as the assessors thereof shall direct; which assessors shall have like authority, for notifying the electors, collecting and returning the votes, as the selectmen and town clerks have in their several towns, by this constitution, and all other persons, living in places unincorporated (qualified as aforesaid) who shall be assessed to the support of government by the assessors of an adjacent town, shall have the privilege of giving in their votes for counsellors and senators, in the town where they shall be assessed, and be notified of the place of meeting, by the selectmen of the town, where they shall be assessed, for that purpose accordingly.

III. And that there may be a due convention of senators on the last Wednesday in May annually, the governor, and five of the council, for the time being, shall, as soon as may be, examine the returned copies of such records; and fourteen days before the said day, he shall issue his summons to such persons, as shall appear to be chosen by the majority of votes, to attend on that day, and take their seats accordingly; provided nevertheless, that for the first year, the said returned copies shall be examined by the president and five of the council of the former constitution of government: and the said president shall, in like manner, issue his summons to the persons so elected, that they may take their seats as aforesaid.

IV. The senate shall be the final judge of the elections, returns and qualifications of their own members, as pointed out in the constitution; and shall, on the said last Wednesday in May, annually, determine and declare, who are elected by each district, to be senators, by a majority of votes: and in case there shall not appear to be the full number of senators returned, elected by a majority of votes for any district, the deficiency shall be supplied in the following manner, viz. The members of the house of representatives, and such senators as shall be declared elected, shall take the names of such persons as shall be found to have the highest number of votes in such district, and not elected, amounting to twice the number of senators wanting, if there be so many voted for; and out of these, shall elect, by ballot, a number of senators, sufficient to fill up the vacancies in such district; and in this manner all such vacancies shall be filled in every district of the commonwealth: and in like manner, all vacancies in the senate, arising by death, removal out of the state, or otherwise, shall be supplied as soon as may be, after such vacancies shall happen.

V. Provided nevertheless, that no person shall be capable of being elected as a senator, who is not seized in his own right, of a freehold within this commonwealth, of the value of three hundred pounds at least, or possessed of personal estate to the value of six hundred pounds at least, or of both to the amount of the same sum; and who has not been an inhabitant of this commonwealth for the space of five years immediately preceding his election; and at the time of his election he shall be an inhabitant in the district, for which he shall be chosen:

VI. The senate shall have power to adjourn themselves, provided such adjournments do not exceed two days at a time.

VII. The senate shall choose its own president, appoint its own officers, and determine its own rules of proceedings.

VIII. The senate shall be a court, with full authority, to hear and determine all impeachments, made by the house of representatives, against any officer or officers of the commonwealth, for misconduct and mal-administration in their officers. But previous to the trial of every impeachment, the members of the senate shall respectively be sworn, truly and impartially to try and determine the charge in question, according to evidence. Their judgment, however, shall not extend further, than to removal from office, and disqualification to hold or enjoy any place of honor, trust or profit, under this commonwealth: but the party so convicted, shall be, nevertheless, liable to indictment, trial, judgment, and punishment, according to the laws of the land.

IX. Not less than sixteen members of the senate, shall constitute a quorum for doing business.

CHAP. I.—SECT. III.—*House of Representatives.*

Art. I. There shall be, in the legislature of this commonwealth, a representation of the people, annually elected, and founded upon the principle of equality.

II. And in order to provide for a representation of the citizens of this commonwealth, founded on the principles of equality, every corporate town, containing one hundred and fifty rateable polls, may elect one representative:—every corporate town, containing three hundred and seventy-five rateable polls, may elect two representatives: every corporate town, containing six hundred rateable polls, may elect three representatives;—and proceeding in that manner, making two hundred and twenty-five rateable polls the mean increasing number, for every additional representative:

Provided nevertheless, that each town now incorporated, not having one hundred and fifty rateable polls, may elect one representative. But no place shall hereafter be incorporated with the privilege of electing a representative, unless there are, within the same, one hundred and fifty rateable polls.

And the house of representatives shall have power, from time to time, to impose fines upon such towns as shall neglect to choose and return members to the same, agreeably to this constitution.

The expences of travelling to the general assembly, and returning home, once in every session and no more, shall be paid by the government, out of the public treasury, to every member who shall attend as seasonably as he can, in the judgment of the house, and does not depart without leave.

III. Every member of the house of representatives shall be chosen by written votes; and for one year at least, next preceding his election, shall have been an inhabitant of, and have been seized, in his own right, of a freehold of the value of one hundred pounds, within the town he shall be chosen to represent, or any rateable estate, to the value of two hundred pounds; and he shall cease to represent the said town immediately on his ceasing to be qualified as aforesaid.

IV. Every male person, (being twenty-one years of age, and resident of any particular town in this commonwealth, for the space of one year next preceding) having a freehold estate within the same town, of the annual income of three pounds, or any estate of the value of sixty pounds, shall have a right to vote, in the choice of a representative, or representatives, for the said town.

V. The members of the house of representatives shall be chosen, annually, in the month of May, ten days, at least, before the last Wednesday of that month.

VI. The house of representatives shall be the grand inquest of this commonwealth; and all impeachments, made by them, shall be heard and tried by the senate.

VII. All money bills shall originate in the house of representatives; but the senate may propose or concur with amendments, as on other bills.

VIII. The house of representatives shall have power to adjourn themselves; provided such adjournment shall not exceed two days at a time.

IX. Not less than sixty members of the house of representatives shall constitute a quorum for doing business.

X. The house of representatives shall be the judge of the returns, elections, and qualification of its own members, as pointed out in the constitution; shall choose their own speaker; appoint their own officers, and settle their rules and orders of proceeding in their own house. They shall have authority to punish, by imprisonment, every person (not a member) who shall be guilty of disrespect to the house, by any disorderly or contemptuous behavior in its presence; or who, in the town where the general court is sitting, and during the time of its sitting, shall threaten harm to the body or estate of any of its members, for any thing said or done in the house; or who shall assault any of them therefor; or who shall assault, or arrest any witness, or other person, ordered to attend the house, in his way in going or returning: or who shall rescue any person arrested by the order of the house.

And no member of the house of representatives shall be arrested or held to bail on mesne process, during his going into, returning from, or his attending the general assembly.

XI. The senate shall have the same powers in the like cases; and the governor and council shall have the same authority to punish in like cases; provided that no imprisonment, on the warrant or order of the governor, council, senate, or house of representatives, for either of the above described offences, be for a term exceeding thirty days.

And the senate and house of representatives may try and determine all cases where their rights and privileges are concerned, and which, by the constitution, they have authority to try and determine, by committees of their own members, or in such other way as they may respectively think best.

(To be concluded in our next.)

Presidential Election.

As the following letters may be frequently referred to, we simply insert them without entering into the views or conclusions of either party. They were first published under the direction of the committee in New-York appointed to promote the election of De Witt Clinton, Esq. to the presidency of the United States. Messrs. Taylor, Spencer, and Riker are distinguished republicans—the latter is a member of the committee mentioned above, and his reply was published with their approbation.

ALBANY, Sept. 26, 1812.

Dear Sir.—Permit us to introduce to your acquaintance general King of Massachusetts. It is his wish to communicate freely with one or more of the lieutenant-governors' friends in your city in relation to the presidential question.

The generals' character and standing entitle him to the greatest consideration; and allow us to say that nothing could be more gratifying to the real friends of Mr. Clinton, and to the republican party in this section of the state, than an arrangement

which would avoid a competition in the choice of president.

At a period like the present, big with events, in which we are contending for every thing dear and valuable, and when a portion of our citizens are systematizing measures calculated to deaden the energies of the nation, rely upon it, the supporters and friends of the constitution cannot but view with emotions of the deepest regret, a struggle between men who thinkalike on general measures. We acquit ourselves when we solemnly declare to you as our firm belief, that no event could exalt Mr. Clinton higher among his republican friends, than a surrender of his pretension to the presidential chair at the ensuing election; and a different course would consequently, in our opinion destroy his prospects, and deprive this nation at a future period of the services of a man whose talents we highly estimate.

With much respect,
Your obedient servants,
A. SPENCER.
JOHN TAYLOR.

Richard Riker, Esq.

NEW-YORK, Oct. 7, 1812.

Gentlemen—Your joint letter, by which you did me the honor to introduce to my acquaintance general King of Massachusetts, was duly delivered by him to me. I have conversed with him fully on the subject referred to by you, and have explained to him at large the reasons which induced me to give it, as my unequivocal opinion, that Mr. Clinton is not at liberty, consistent with the due regard to the rights and interests of the American people, to withdraw himself as a candidate for the office of president at the ensuing election. The suggestion of general King that in case of Mr. Clinton's retiring from the competition, the republicans of Massachusetts would support him at the end of four years, for the Presidency, can never be listened to on the part of that gentleman or his friends. The electors ought always to be left free to act according to the future merits of the candidate. Arrangements between political parties, or members of the same party, binding or attempting to bind the suffrages of the people, and to control the free current of public opinion, are incompatible with the purity and dignity of republicanism.———Upon what ground can Mr. Clinton relinquish the present competition with Mr. Madison for the presidential chair? By so doing he would disappoint the just expectations of the people, and defeat a decision by them upon principles and measures of no ordinary magnitude to the republic. I have consulted several of Mr. Clinton's particular friends, in whose judgments I repose very high confidence, and they all agree with me, that it is unnecessary to confer with him.

He never will, and he never ought, to surrender a a trust which has been confided to his hands by his fellow citizens, and in which they are as deeply interested as he is. A virtuous man will pursue the path of honor and probity, rather than that of interest; and a great man will study his country's good more than his own popularity. I am forced to think there must be some mistake in your representation of the republican party in your section of the state. Its opinion there has been unequivocally expressed concerning Mr. Clinton, by the unexampled unanimity with which he was put in nomination for the presidency, and I do not understand, in virtue of what arrangement, he should frustrate that choice.—His friends do not act for his benefit in this question, nay, they would be offended at the supposition.——However well they wish him, they feel a dearer regard for their country, and therefore they are desirous of rescuing it, in a season of so much peril, out of the feeble hands in which it is now placed. In this case they consider Mr. Clinton no more than the instrument of the public safety, and they prefer him for his superior fitness.

If a portion of our citizens are systematizing measures calculated, as you say, to deaden the energies of the nation, is this not a most pressing reason for placing at the head of the government a man of energetic character, who is able to repress faction, and control the disaffected? If Mr. Madison could not stop the growth of these evil doings in the tranquil season of prosperity, it is not to be expected that he can subdue them now, rendered more intractable by the hardships of the times, and when his own authority is weakened by disasters which are obviously the result of folly.

Would to God that the supporters and friends of the constitution would stand forth, we should then see a prompt reprobation of those disgraceful intrigues which prostituted the representatives of the nation in *electioneering instruments*, and exhibit them at the seat of government, under the eye and influence of the executive, in the officious and unhallowed act of naming a president for the people.

Would to God the supporters and friends of the constitution did seriously reflect on the whole of that scene, they would then reprobate, as I believe, that act more criminal than even the caucus intrigue itself, which staked the honor and fortune of America against an office, which brought on war without preparation, and if we may judge by the manner in which it is conducted, leaves us no hopes that in the present hands it will enable us to avenge our violated rights or retrieve the tarnished glory of our country. If the elevation of Mr. Clinton was a matter of bargain and sale, his pretensions might be surrendered for any present or future advantage. But while the friends of the constitution throughout the union, look to him for his country's sake, he cannot in duty decline the service they assign him. What honor, what principle would there be in abandoning a great contest, vitally effecting the representatives of the people and the purity of the government? A contest solemnly entered into by the state of New-York, supported with an animated and generous zeal by the state of Pennsylvania; and sanctioned by the approving voice of many of the wisest patriots in the whole republic. To make such a contest the subject of an arrangement would be, as it strikes me, no less cowardly than unprincipled. Nor can I see why the more manly and patriotic course, whatever be its issue, should destroy the prospects of Mr. Clinton, and deprive this nation, at a future period, of his services. On the contrary it must always redound to his credit, that in his person, the first stand was made against the highly dangerous and unconstitutional practice of making a designation of president under executive influence; that with him the usurped authority of the states was resumed in this essential article; that the principle of rotation amongst them was recovered; the dangerous monopoly in an ambitious state endeavored to be defeated, and the interest and dignity of those that are more particularly agricultural and commercial maintained in practice.

There is one more consideration which I shall submit to your judgment; that is, that the republican party will be infallibly broken down, if a stop be not speedily put to the the undue means employed by the present cabinet to extend its influence. Recollect the downfall of the federalists. Can we stand by the same, or even worse means, than those which caused their overthrow. In a word, I am clear that

the re-election of Mr. Madison will be the ruin of the republican party, and that if it pertinaciously suppost, him, it will desserve its fate and lament it at leisure.

I have the honor to be, gentlemen,
Your most obedient servant,
RICHARD RIKER.

Hon. Ambrose Spencer and John Taylor.

Vermont Presidential Nomination.

At a meeting of the republican members of the legislature of Vermont, holden at Jefferson Hall, in the state-house in Montpelier, on the evening of the 9th day of October, A. D. 1812, the following was unanimously adopted.*

In times of danger from abroad it is our most important duty to strengthen the government of our country with the confidence of the people, and to support, to the utmost of our power, those political guardians who have already by their measures given us a full pledge of their attachment to the republican principles of our constitution, who have labored with unwearied fidelity to preserve us from the entangling alliances and destructive broils of Europe, who by the most patient forbearance have evinced their love of peace while consistent with safety and honor, and, when peace had become dishonorable and dangerous, have with promptitude relied upon the patriotism of the people in an appeal to arms, and have adopted all the wise means, within the compass of constitutional power, to ensure success and to promote that confidence of the people in their government which is alone wanted to crown their efforts with victory.

Such are our present rulers, and these are our reasons for granting them our support. And although a respectable sister state has thought proper to present, for the consideration of the public, a different nomination, as more likely to effect a union of sentiment, to benefit commerce and insure peace, yet we do not believe that those who have so long borne with aggressions for the sake of *peace*, are to be stigmatised as the *enemies* of peace, and that those who have not hesitated to encounter the dangers of war for the protection and acknowledgment of *commercial rights* are to be accused of hostility to commerce. And as to unity of sentiment we have no doubt but all those who are friendly to the principles of republican government will soon be united: much sooner than were they to listen to those whose lust of power nothing but the slavery of their country can satisfy, and whose bitterness of slander no laws consistent with rational liberty control; and by deserting old and tried friends, furnish an American proof of the ingratitude of republics.

Therefore resolved, that under these circumstances we feel it our incumbent duty, at the ensuing election of first and second magistrates of the union, to support *James Madison*, as president and *Elbridge Gerry* as vice-president, of the United States.

ELIHU LUCE, *Chairman.*
URIEL C. HATCH, *Sec'ry.*

15th Regiment.

TO THE EDITOR OF THE AURORA.

Camp, near Plattsburg, 12th Oct. 1812.

SIR—However incompatible it may be with the character and profession of a soldier, to enter into the party politics of the day, yet when the honor of the government, the corps he commands, and his personal fame are wantonly attacked, and attempted to be sacrificed to satiate the malignant venom of party purposes, it becomes his duty as a man, a patriot, to come forward and boldly contradict the base calumniator. The following piece "from the Connecticut Herald" and republished in the New-York Herald of October 3d, is not only calculated to bring disrepute on the government, but to hold up our army as a mob wanting in discipline as well as patriotism. The piece alluded to is as follows, viz.

"*The multiplied proof of folly or of madness or some worse cause, that have driven the nation into a ruinous offensive war, are accumulating with every day's experience. Barely to enumerate the evidence would occupy columns. Two or three facts of recent occurrence, which have come to my knowledge, are in point and worthy of record. It is then a fact (for I state it on the best authority) that either the national treasury is so miserably empty, or the proper department so deficient in duty, that the army under general Dearborn which has so long been idling away their time near Albany, was not only unpaid, but unprovided with the common necessaries of a camp, and when a few days since, a part of these troops were ordered to the frontiers, one whole regiment (colonel Pike's) absolutely refused, and deliberately stacked their arms, declaring they would not move until paid. In this refusal they were justified by their colonel, and an old soldier, who admitted they ought not to march unless government would first pay the arrears due them.*

It fortunately happened that Mr. Secretary Gallatin, was then at Albany, and on learning the state of affairs at the encampment, he borrowed twenty thousand dollars from one of the banks, on his private credit, by which means the troops were paid, and cheerfully followed their commander."

In contradiction to this statement, it will be sufficient to give the following facts:—That the regimental paymaster had in his hands, funds to pay the whole regiment up to the 31st. And within three days of the period when the troops moved, that three companies were paid previous to the march, and the balance so soon as the regiment halted, a sufficient time to give the officers an opportunity to adjust the rolls and prepare the accounts of the recruits.

Secondly—That those funds were received by the regimental paymaster, from the district paymaster, Mr. Eakins, who was then at Albany, and not from Mr. Gallatin, whom (it is believed) did not arrive till after the regiment moved from Greenbush.—These facts can be corroborated by every officer of the 15th infantry, who one and all deem the paragraph published in the Herald a base calumny, a direct attack on their honor as soldiers, and declare that the author whoever he may be, has asserted gross untruths. As for myself, I have had the honor to serve in the army from the rank of volunteer to the station I now hold, during the administration of gen. Washington, Mr. Adams, Mr. Jefferson, and Mr. Madison, and can affirm, that I have known some troops under the three first, to have been upwards of a year without a payment—and under the latter for eight months. This was owing to the dispersed state of our troops on the western frontiers. But never did I hear of a corps shewing a disposition to refuse to do their duty, because they had not received their pay—nor do I believe the American army has been disgraced by an instance of the kind, since the revolutionary war. But ask any man of consideration, what time it requires to organize an army, or a corps of new recruits—if, owing to the want of a knowledge of the officers, to forms of returns, accounts, &c. it will not be some time before a new corps can be as well equipt, or appear as much like soldiers, as an old one! Every soldier will reply,

* There were 154 members present.

that it will require two years at least, to teach both officers and men to reap the same benefit from the same supplies as old soldiers—and although at this time, the 15th regiment has been as regularly supplied as any other corps, with clothing, pay, arms and accoutrements, even to watch coats to protect the centinel against the winter storms—yet were there an old regiment, laying by their side, who had received the *same supplies*, they most indubitably would be better equipped and make themselves more comfortable, having the saving of two or more years' supplies on hand. But whether ill or well supplied, the soldiers and officers have too just a sense of the duty they owe their country and their own honor, even to refuse to march against the enemy—and the colonel begs leave to assure the author of the above paragraph, that he hopes he will forbear any future attempt to injure his reputation by praising an action which, if *true*, must have forever tarnished the small claim he now has to a military character.

Z. M. PIKE,
Colonel 15th U. S. Infantry.

Governor Meigs, of Ohio.

At a meeting of the officers of the detachment of Ohio militia, in the service of the United States, stationed at Urbana, held at Doolittle's hotel, September 24th, brigadier-general TUPPER was appointed chairman, and major GALLOWAY secretary:—

Resolved, unanimously, That the following address to his excellency, the commander in chief, be signed by each officer present, and presented to the governor, and a copy reserved for publication.

E. W. TUPPER, chairman.

Attest,—JAMES GALLOWAY, secretary.

To his excellency R. J. Meigs, governor, and commander-in-chief of the militia of Ohio.

SIR—The unlooked for, and extraordinary surrender of the late army under the command of brigadier general Hull, has not only roused the indignation, but agitated the minds of the citizens of the U. States, beyond any example found in the history of our nation: As officers, we are not permitted to assign the causes of that shameful surrender, or charge the commander in chief of that army, with imbecility, cowardice, or treachery: if he shall ever present himself for trial before the government, which entrusted the lives and honor of that brave and distinguished army to his conduct, he will there be examined in a court where the guilty will receive the just punishment due to his crime.

To us, it is not surprising, that while every mind was thus shocked at the disasters at Detroit (events bearing on their features strong marks of cowardice or treachery) that there should be found among us, persons, rejoicing at the overthrow of that army; men, whose love of power and office, outweigh their attachment to their country; with such we might well expect to find every disappointed demagogue leagued with the swarm of British spies and hirelings, which infest our land, to drive from office every person who held a distinguished rank, and was resolved to do his duty; to paralize the measures of the general government—to unnerve the soldier's arm, by causing him to suspect the fidelity of his officers: To defeat the struggle to regain our lost territory, and carry our arms to the centre of Quebec, was the object of the combination; no character was too exalted for them to assail, no slander too foul for them to circulate: If conscious innocence has prevented your excellency's mind from feeling the slanders levelled at yourself, they have not failed to give us great anxiety for the honor of our state.

Placed as we are beyond the right of suffrage, and disclaiming every design but that of protecting the assailed character of our commander in chief, we can no longer withhold from your excellency, the indignation we have felt at the language circulating through the country, to wrest from you the confidence of the people and soldiery; it is a duty, sir, we owe our country, it is a duty we owe to your excellency, and to every officer and soldier marching towards the lakes, to give this testimony of our detestation of the slanders circulating, and offer this pledge of our fullest confidence in your attachment to the general government, and our prayers for your prosperity in arms.

The situation in which we have been placed about your person, has given us every opportunity your enemies could ask to examine every part of your conduct. You have met the reinforcement designed for the army under general Hull, hurried from their homes without pay, without clothing, and destitute of every article of camp equipment; before these troops could be supplied, and while they lay exposed to the weather in the open fields, the surrender at Detroit, drove back upon us, the scattered remains of that army, with numberless inhabitants from that ill fated country, flying to your excellency for relief. Our frontiers, a distance of 200 miles, was opened at one moment to all the miseries resulting from a savage warfare; its inhabitants, either abandoning their homes or begging your excellency to relieve and protect them. The Indian tribes which had been invited by his excellency the president of the U. S. to the council, and promised safety and protection, were at this moment within our settlements—to restrain the inhabitants from violence to their persons and retain their friendship, required all your exertions, both as chief magistrate and commissioner: we have seen your excellency, at one moment surrounded with those difficulties and misfortunes, devoting every moment of your time to a faithful discharge of the duties thus pressing upon you, with a single eye to the public good.

Your frontier is now protected; its inhabitants are peaceably cultivating their fields. Your soldiers are receiving every requisite for the field, waiting anxiously to be marched on to the shores of the lake—where they may wipe off the foul stain from the honor of our state troops who were basely compelled to surrender, tho' not subdued. It is by your exertions, sir, we owe every article of camp equipage we have received, and the pay this day advanced the soldiers; it is your authority that has restrained violence from the persons of the Indian tribes which claim our protection, and has saved our frontiers from savage enemies avenging a breach of hospitality.

The time will come, sir, when your enemies will be sensible of these facts. The people may err by misrepresentation and falsehood, but not by design. He, sir, who discharges his duty with fidelity and an approving conscience, feels a consolation above all others, not to be shaken.

[The above was signed by 41 officers.]

GOVERNOR'S REPLY.

URBANA, Sept. 26, 1812.

To the officers of the troops of Ohio in the U. States' service, encamped near Urbana.

GENTLEMEN—I received your address of the 24th inst. with mingled emotions of pride and pleasure—Overwhelmed with business, civil, military, and Indian, its reception was the more grateful, as it af-

forded a consolation, and contained a refutation of circulating falsehoods.

No sooner was the capitulation of Gen. Hull's army known, than slander, with her thousand tongues, assailed me. All that envenomed malice could invent, or ignorant credulity imagine, was propogated with a violent rapidity—characterized by the darkest malignity.

These falsehoods produced an uncommon excitement in the public mind.

That degree of jealousy which creates watchfulness, is useful in a republican government. But attempts to destroy all confidence in public officers can eminate only from tories or the secret machinations of British spies.

When the disastrous intelligence reached here from Detroit, I was struck with a profound astonishment and an equal indignation.

The first army of Ohio I had formed with much exertion and incessant labor. It was composed of my friends—they were dear to me—I felt towards them as brothers and children—I was even proud of them.

Feeling a deep interest in every event which could concern them—I parted from them with reluctance, and had it not been inconsistent with my official duties, I would cheerfully accompanied them and shared their ultimate fate, whatever it might have been. My heart is the same towards you and the troops.—While renewing my exertions to raise another army—to be denounced as a traitor—to be associated with ignominy, and to be coupled with cowardice, where circumstances which required some patience to endure.

But our army is forming and will soon be respectable, when the whole collect.

Those who have been detached for the relief of Fort Wayne, and the destruction of the Indian towns, have done honor to themselves—and so I have no doubt would any portion of the army have done.

You gentlemen have had an opportunity of personally and daily noticing my transactions, in relation to yourselves and the army—and are pleased to yield your approbation, which I highly esteem as coming from honorable men, who have had an opportunity of forming correct opinions.

Shielded by my own conscience, and fortified by your esteem, I progress to your organization and equipments; and hope that this army will contribute its full share in regaining all that has been lost.

That health, victory and honor may await you, and the troops under your respective commands, is my fervent wish.

I have the honor to be,
Respectfully, your obedient servant,
R. J. MEIGS.

PATENTS.

[The importance of the information conveyed in the following, though it *immediately* interests but a small portion of the community, has induced us to insert it—at the request of several artists.]

Patent-Office, March 5, 1811.

Having the honor of superintending the important duties of issuing patents for arts and inventions, which formerly were thought worthy of the labors of a council composed of the secretary of war, and the attorney-general of the United States, I have thought it a duty to my fellow citizens to publish a few lines of information to facilitate the mode of acquiring patents, by which many will be enabled to dispense with long journies to the seat of government, or with troubling their friends with a tedious correspondence.

Viewing with astonishment the inventions of my countrymen, I cannot contemplate them without being impressed with the idea that no nation on earth surpasses them in genius. Even the unfettered inhabitants of the forest have perfected inventions that would have done honor to Archimedes; and I reproach myself for not having published long ago a few directions how to proceed in securing the advantages of the efforts of their talents. This information would have been given, but I anxiously waited the proposed revision of the patent law, which has been under the consideration of the honorable the congress for seven years; and if I delay this short sketch any longer I fear it may be said—

He who defers his work from day to day,
Does on a river's bank expecting stay
'Till the whole stream which stops him should be gone;
But, as it runs, forever 'twill run on.

Before an application be made for a patent I would advise the inventor to examine well the Dictionaries of the arts and Sciences, the repertory of the arts and other publications that treat of the mechanic arts to endeavor to ascertain if the invention be new; also to make enquiry of the scientific characters whether or not the invention or discovery by practicable. These previous inquiries will sometimes prevent great trouble, and save the expense of much time, labor and money; for a patent does not confer rights, where just claims do not exist; and as there is at present no discretionary power to refuse a patent, even where no just claim exists, it may be proper to caution the purchaser of patent rights against the supposition that the invention patented is always valuable, or new, or that it interferes with no previous patent. The respectable names of the president, the secretary of state, and attorney-general are requisite to give validity to a patent; but never to be considered in any degree as an evidence of the originality or utility of the invention. The issuing of patents is grounded not only on a desire to promote the progress of useful arts, but also to prevent the loss of valuable secrets; for many have been buried with the inventors previous to the organization of this system of protection for the property of talent, mind and genius. Formerly the arcana of any profession were withheld from the Tyro; his initiation was gradual and secret; and the caution with which inventors worked, to prevent the infringement of unprotected rights, confined many important inventions to limits too narrow to materially benefit either the inventors or the world; at present the law grants a monopoly to the inventor, for a limited time, provided the art, invention, discovery or machine be duly explained, deposited and recorded, for the benefit of mankind, as soon as the time limited has expired; and the patent is not only an evidence that the inventor has formally confided his secret to the public, but also a declaration of the protection of the right from infringement; nevertheless of the infringement of the right, by others, a jury of the country is only competent to decide.

The general law concerning the issuing of patents will be found in the 2d vol. of the laws of the United States, page 200. This law provides for citizens only; but a subsequent law (vol. 5th, page 88.) provides also for applicants who have resided two years or upwards in the United States, and who are not citizens.

In applying for a patent it is necessary to attend to every legal form, for in consequence of inattention to *forms only, some of the patents issued formerly have, in the courts of law, been declared to be null and void.

* Oliver Evan's among the number.

Mode of application.

*"Every inventor, before he presents his petition to the secretary of state signifying his desire of obtaining a patent, shall, pay into the treasury of the United States thirty dollars, ‡ for which he will be furnished with duplicate receipts, one of which he shall deliver to the secretary of state when he presents his petition; and the money thus paid shall be in full for the sundry services to be performed in the office of the secretary of state, consequent to such petition. This petition must be addressed to the secretary of state, and may be in the following or in a similar style:

To the hon. James Monroe, secretary of state of the United States:

The petition of A. B. of ——— in the county of ——— and state of ——— respectfully represents:

That your petitioner has invented a new and useful improvement [" † *or art, machine, manufacture, or composition of matter, or any new and useful improvement in any art, machine, manufacture, or composition of matter*] *in* ——— *not known or used before his application," the advantages of which he is desirous of securing to himself and his legal representatives; he therefore prays that letters patent of the United States may be issued, granting unto your petitioner, his heirs, administrators or assigns, the full and exclusive right of making, constructing, using, and vending to others to be used, his said improvement,* [*art, invention, machine, manufacture, or composition of matter, &c.*] *agreeably to the acts of congress in such case made and provided; your petitioner having paid thirty dollars into the treasury of the United States, and complied with the other provisions of the said acts.* A. B.

The *specification* or description of the machine, art, discovery, or invention, must be given in clear and specific terms, designating it from all other inventions, and describing the whole in such a manner as to comprehend not only the form and construction, if a machine, but also the mode of using the same; and if it be only an improvement on a certain machine already invented by the applicant or any other, it ought to be so mentioned or described; and as this specification, description or schedule enters into and forms part of the patent, it must be without any references to a model or drawing, and must be signed by the applicant or applicants, before two witnesses. It is material that this be in good language, and correctly written, as it is transcribed into the patent, and the original papers will be deposited in an office that will hand them down to posterity, by which the honor of the country is concerned in this attention. The modest inventor will no doubt exclude those panegyrics on the excellence of his invention or discovery, which abound sometimes in the productions of the inferior genius, but which ought not to enter into the patent.

The following, or a similar oath or affirmation, taken [before a judge of any of the courts, or a justice of the peace, or any person qualified to administer an oath] by the applicant or applicants, must be subjoined to the specification, if citizens of the U. States.

FORM.

County of ———, State of ———, } ss.

On this — of ———, 181—, before the subscriber a justice of the peace, in and for the county aforesaid, personally appeared the above named A. B. and made solemn oath [or affirmation] according to law, that he verily believes himself to be the true and original inventor or discoverer of the art [machine, invention or improvement, composition of matter, &c.] above specified and described, for ——— (mention here the object or intention) ——— and that he is a citizen of the United States.

———, J. P.

If not a citizen (or citizens) the following addition must be made to the declaration, that he verily believes himself to be the true and original inventor or discoverer of the art, &c.

" * *And that the same hath not, to the best of his or her knowledge or belief, been known or used either in this or any foreign country.*———"

Also, that he (or she) hath resided in the United States two years and upwards.———

———J. P.

The specification must be accompanied by a good drawing, in perspective, of the whole machine or apparatus, " † where the nature of the case admits of drawings: or with specimens of the ingredients, and of the composition of matter, sufficient in quantity for the purpose of experiment, where the invention is of a composition of matter." "And such inventor shall, moreover, deliver a model of his machine, provided the secretary shall deem such model to be necessary." It is requisite, in giving a drawing of the machine, to give also sectional drawings of the interior, when the machine is complex: and every drawing should be accompanied with explanatory references. When a machine is complex, a model will likewise be necessary, not only to explain and render it comprehensible to a common capacity, but also to prevent infringements of rights; for many will plead ignorance of drawings, who cannot avoid the conviction of wheels and pinions.

The drawings ought not to exceed a quarto size, and if confined to octavo they would be still better, where it can be done conveniently and distinctly.

Many of the drawings in this office are executed in a very handsome style, and do much credit to the talents of the gentlemen whose names are ascertained. If the artists would always sign them, information might be given to the applicants for patents where to apply for drawings.

Among the best I have received I notice the names of Messrs. James Aikin, Philadelphia; John Bernard, Utica, Oneida county, (N. Y.); Jacob Cist, P. M, Wilkesbarre, (Penn.); Francis Guy, Baltimore; George Hadfield, Washington city; Philip Hooker, Albany, (N. Y.); Nicholas King, Washington city; ——— Peckham, Roxbury, (Mass.); John R. Penniman, Boston; Abner Reed, Connecticut; Archibald Robertson, No. 78, Liberty street, New-York; John F. Somerby, Catskill, (N. Y.); —— Steward, Hartford, (Conn.); John Stickney, Baltimore; —— Stiles, Worcester, (Mass.); William Stickfand, Philadelphia; James Watson, Utica, Oneida county, (N. Y.); John Watts, do.

Many being without the names of the artists, I cannot do all the justice I wish.

The papers must all be sent under cover to the secretary of state, which of course renders them free of postage: but if models be sent, their freight or carriage hither must be paid; and before packing them the name or names of the inventor or the inventors should be written thereon, with the name of the machine and the date; for sometimes on receiving them it is difficult to know to who they appertain.

* See laws of the U. S. vol. 2d, chap. XI, §11, p. 205.

‡ Notes of any of the banks of the U. States.

1st of the above, page 209.

* Laws of the U. S, vol. v. ch. xxv. p. 89.

† Ibid. vol. ii. ch. xi. p. 202.

The congress, being impressed with a high sense of the value of the inventions of our citizens, have purchased an elegant and extensive building, wherein preparations are now making for the accommodation of a very numerous collection of the machines illustrative of the ingenuity displayed; and this museum of the arts, it is presumed, will stimulate the ingenious to send the models of their machines and inventions in a style that will rather honor than discredit our country.

Copy-rights of books, prints, charts, maps, &c. are secured "by * depositing, before publication, a printed copy of the title of such map, chart, book or books, in the clerk's office of the district court, where the author or proprietor shall reside, who will record the same; and the author or proprietor shall, within two months from the date of the record, cause a copy of said record to be published in one or more of the newspapers printed in the United States, for the space of four weeks.† And within six months after publishing the map, chart, book or books, the author or proprietor shall deliver, or cause to be delivered to the secretary of state, a copy of the same; and when deposited and entered in the patent office a certificate will be returned of its being received." ‡ This will secure the sole right of publication for fourteen years to the author or proprietor, if a citizen of the United States, or resident therein. "And if at the expiration of the said term the author or authors, or proprietors, or any of them be living, and a citizen or citizens of these United States, or residents therein, the same exclusive right shall be continued to him or them, his or their executors, administrators or assigns for the further term of fourteen years: *Provided* he or they shall cause the title thereof to be a second time recorded and published in the above manner, within six months before the expiration of the first term of fourteen years aforesaid."

WILLIAM THORNTON.

Late Mission to Denmark.

To his excellency G. W. Erving, Esq. special minister of the United States of America, near H. M. the king of Denmark.

SIR,—We, the undersigned, citizens of the United States, now in Copenhagen, have learned with sincere regret, that it is your excellency's intention, pursuant to instructions from our government, shortly to quit this city.

The successful termination of your arduous mission is, of itself, the best reward of that zeal, industry, and perseverance by which it has been attained—we do not, therefore, flatter ourselves that our testimony to your indefatigable efforts for the protection of our interests, is in any degree wanting to the complete gratification of, your personal feelings; as little do we presume to think that such testimony can tend to brighten the lustre of your services in the eyes of our government and country;—but we consider all generous feelings highly honorable to those who possess them, and, in this view, we owe to ourselves some expressions of our gratitude to you. We do not assume to give any opinion on the labor and ability with which you have discussed many points of controversy, which from their nature cannot be made public: we only mean to speak of the public and practical proofs of protection which we have all of us, in a greater or less degree, derived from your presence and exertions.

On your arrival here, the prejudices of the Danish people, and particularly of the tribunals charged with the decision of prize causes, had been taught to assimilate our persons and our property with those of their enemies; and there is no doubt that all the cases then pending, were destined to be sacrificed to this undistinguished prejudice. From your first appearance among us, by the frank and manly manner in which you placed yourself at the head of our shepherdless flock, you gave us a name, and by the spirit of your early communications, which have since been made public by our government, you defined and asserted our rights and ensured to us that subsequent protection which was due to the fairness of our views, and the neutrality of our commerce.—Although the objects of your mission was specially limitted to reclamation in matters of prize, we have have found you ready to extend your friendly and zealous efforts to the protection of American interests in every form and on every occasion.

To this general expression of our sentiments, we can only add our most sincere wishes for your personal welfare and happiness, and assurances of the high respect with which,

We have the honor to be, your excellency's grateful fellow-citizens, and obedient servants,

Nathaniel Jackson,	*Joseph Brown,*
H. Hathaway,	*Thomas Laing,*
Richard Law,	*Anthony Moffat,*
William R. Russell,	*Henry Peters,*
Samuel Somis,	*William Law,*
Amos Dennis,	*John Connell,*
R. J. Cleveland,	*Peleg Congdon,*
William Williams,	*Adam Champion,*
John Eveleth.	

Copenhagen, 12th May, 1812.

ANSWER.

Copenhagen, May 17, 1812.

Gentlemen—Next to the satisfaction which I derive from the conscientious conviction of having, to the full extent of my faculties, discharged the important duties with which I have had the honor to be entrusted by our government, is that which is afforded by the approbation of honorable and liberal men, whose interests have been confided to my care, and whose situations have best qualified them to judge of my conduct.

I have received, therefore, with peculiar gratification, the testimony of my public services, which you have been pleased to offer.

An humble instrument in the hands of a government anxious to defend the rights and properties of its constituents, from the time of my first arrival in Copenhagen I have pursued the course which it has appeared to me best comported with the intentions of that government, and which might most effectually extend the mantle of its protection, the sanction of its name and authority, so as to embrace all the fair interests of American citizens.

The success which has attended my efforts, and the liberal sense which you have expressed of them, will be amongst the most grateful recollections of my future life. I take leave of you, gentlemen, under impressions of respect and esteem, strengthened by your candid and manly procedure, and beg leave to offer to each of you my sincerest wishes for your prosperity and happiness.

Your obliged and obedient friend,

And fellow-citizen,

(Signed) G. W. ERVING.

* See an act for the encouragement of learning, &c.—Laws of the U. S. vol. 1. ch. 15. §3. p. 121

† Ibid. Sec. 4. p. 122.

‡ Ibid Sec 1. p. 118, 119.

British Proclamation.

From the Barbadoes Mercury.

BRIDGE TOWN, Aug. 22.—On receiving intelligence of the declaration of war on the part of America against Great Britain and her dependencies, his excellency major-general Carmichael issued the following general orders to the militia of the colony of Demarara :—

"MILITIA GENERAL ORDERS.

"Major-general Carmichael, acting governor, thinks it proper to repeat in militia orders the sentiments he personally expressed upon the parade, when communicating the information he had received of a declaration of war by the States of America against Great Britain.

"The major-general has taken the earliest opportunity of assembling the militia, to communicate intelligence of importance received by him in dispatches, which is the declaration of war made by the states of America against their parent country ;—at a period of unparalleled effort on the part of Great Britain, when she is exerting herself in every part of the world to protect that liberty which alone is real —where the peer and the peasant are alike protected by its influence—where the religion and liberty of every individual are guaranteed and held sacred—there is that pure liberty which the British alone can boast as their birthright and privilege.

"The major-general is aware that he is now addressing a variety of individuals, whost friends, relations, and dearest interests may be connected with the States of America, or who may not be British born subjects ; to those he wishes particularly to address himself. However numerous the foes Britain has to contend with—however great the exertions and sacrifices she must make in opposing the tyrant of Europe, she does not wish a man to use a weapon in her cause who does not use it with a true British feeling, and from the heart.

"We are now called upon to draw the sword, not for the amusements of children or mere parade, but with justice ; it therefore must not be sheathed without honor,

"Those who may not be impelled by a patriotic ardour and glory of their native country, will call to their recollection the desirable object for which they have to contend—their homes, families and property, a grateful remembrance of that sovereign and government protecting those blessings they may be suddenly called upon to defend.

"All persons who may be so situated with regard to the United States of America, the major-general hereby informs may have audience of him during the whole of the present week, from 6 o'clock to 10 in the forenoon, when they may tender their objections, which will be received without offence to their fame, or reference to personal feelings or opinions ; and engages on his part that they shall be so disposed of to protect the property of themselves and friends in this colony without being committed in open conflict with those they may have a reluctance to meet—

"The major-general therefore has every confidence, that the sentiment will be unanimous for the general protection and peace of this valuable, and, it is hoped, happy colony.

"In consequence of the above intelligence, lieut. col. Otto, commanding first battalion of Demarara militia, will order a subaltern and twenty privates with non-commissioned officers in proportion, to be in readiness to march for Ruymzig barracks, there to be stationed until further orders.

"Lieut. colonel Smith quarter-master general, being charged with the establishment of signal posts along the western coasts, should he find it necessary to give any orders to the above posts, they will be attended to. Two privates of the cavalry will be attached to that post, the commanding officer of which will have separate instructions for his conduct. —By command,

"I. R. BRYANT, *Maj. Brig. D. M.*

"*King's House, George-Town, Demarara, July* 31, 1812."

Events of the War.

OFFICIAL ARTICLES.

Copies of letters from major-general VAN RENSELLAER of the New-York militia, to major-general HENRY DEARBORN, transmitted by the latter to the department of war.

"HEAD QUARTERS, *Lewistown, Oct.* 14, 1812.

SIR—As the movements of this army under my command, since I had last the honor to address you on the 8th inst. have been of a very important character, producing consequences serious to many individuals ; establishing facts actually connected with the interest of the service and the safety of the army : and as I stand prominently responsible for some of these consequences, I beg leave to explain to you, sir, and through you, to my country, the situation and circumstances in which I have had to act, and the reasons and motives which governed me : and if the result is not all that might have been wished, it is such that when the whole ground shall be viewed, I shall cheerfully submit myself to the judgment of my country.

In my letter of the 8th inst. I apprised you that a crisis in this campaign was rapidly advancing ; and that, (to repeat the same words) "*the blow must be soon struck, or all the toil and expence of the campaign go for nothing, for the whole will be tinged with dishonor.*"

Under such impressions, I had on the 5th instant, written to brigadier-general Smyth, of the U. States' forces, requesting an interview with him, major-general Hall, and the commandants of the U. States' regiments, for the purpose of conferring upon the subject of future operations. I wrote major-gen. Hall to the same purport. On the 11th, I had received no answer from general Smyth ; but in a note to me of the 10th, gen. Hall mentioned that gen. Smyth had not yet then agreed upon any day for the consultation.

In the mean time, the partial success of lieutenant Elliott, at Black Rock (of which, however, I have received no official information,) began to excite a strong disposition in the troops to act. This was expressed to me through various channels, in the shape of an *alternative ;* that they must have *orders to act*—or, at all hazards, they *would go home.* I forbear, here, commenting upon the obvious consequences, to me, personally, of longer withholding my orders under such circumstances.

I had a conference with ———, as to the possibility of getting some person to pass over to Canada, and obtain correct information. On the morning of the 4th, he wrote to me that he had procured the man, who bore his letter to go over. Instructions were given him ; he passed over—obtained such information as warranted an immediate attack. This was confidentially communicated to several of my first officers, and produced great zeal to act ; more especially as it might have a controlling effect upon the movements at Detroit, where it was supposed that general Brock had gone with all the force he

dared to spare from the Niagara frontier. The best preparations in my power, were therefore, made to dislodge the enemy from the heights of Queenstown, and possess ourselves of the village, where the troops might be sheltered from the distressing inclemency of the weather.

Lieut. col. Fenwick's flying artillery, and a detachment of regular troops, under his command, were ordered to be up in season from fort Niagara. Orders were also sent gen. Smyth, to send down from Buffaloe, such detachment of his brigade as existing circumstances in that vicinity, might warrant. The attack was to have been made at 3 o'clock, on the morning of the 11th, by crossing over in boats from the Old Ferry opposite the heights. To avoid any embarrassment in crossing the river (which is here a sheet of violent eddies) experienced boatmen were procured to take the boats from the landing below to the place of embarkation. Lieut. Sim was considered the man of the greatest skill for this service—he went a-head, and in the extreme darkness, passed the intended place far up the river; and there, in a most extraordinary manner, fastened his boat to the shore, and abandoned the detachment. In *this front boat* he had carried nearly every oar, which was prepared for all the boats. In this agonizing dilemma, stood officers and men, whose ardor had not been cooled by exposure through the night to one of the most tremendous north-east storms, which continued, unabated, for twenty-eight hours, and deluged the whole camp. The approach of day light extinguished every prospect of success, and the detachment returned to camp. Col. Van Rensselaer was to have commanded the detachment.

After this result, I had hoped the patience of the troops would have continued until I could submit the plan suggested in my letter of the 8th, that I might act under and in conformity to the opinion which might be then expressed. But my hope was idle: the previously excited ardor seemed to have gained new heat from the late miscarriage—the brave were mortified to stop short of their object, and the timid thought laurels half won by the attempt.

On the morning of the 12th, such was the pressure upon me from all quarters, that I became satisfied that my refusal to act might involve me in suspicion and the service in disgrace.

Viewing affairs at Buffaloe as yet unsettled, I had immediately countermanded the march of general Smyth's brigade, upon the failure of the first expedition; but having now determined to attack Queenstown, I sent new orders to general Smyth to march; not with the view of his aid in the attack, for I considered the force detached sufficient, but to support the detachment should the conflict be obstinate and long continued.

Lieutenant-colonel Christie, who had just arrived at the Four Mile Creek, had late in the night of the first contemplated attack, gallantly offered me his own and his men's services; but he got my permission too late. He now again came forward, had a conference with colonel Van Rensselaer, and begged that he might have the honor of a command in the expedition. The arrangement was made. Colonel Van Rensselaer was to command one column of 300 militia; and lieutenant-colonel Christie a column of the same number of regular troops.

Every precaution was now adopted as to boats, and the most confidential and experienced men to manage them. At an early hour in the night, lieutenant colonel Christie marched his detachment, by the rear road, from Niagara to camp. At 7 in the evening lieutenant-colonel Stranahan's regiment moved from Niagara Falls—at 8 o'clock, Mead's—and at 9, lieutenant-colonel Blan's regiment marched from the same place. All were in camp in good season.—Agreeably to my orders issued upon this occasion, the two columns were to pass over together; as soon as the heights should be carried, lieutenant-colonel Fenwick's flying artillery was to pass over; then major Mullany's detachment of regulars; and the other troops to follow in order.

At dawn of day the boats were in readiness, and the troops commenced embarking, under the cover of a commanding battery mounting two eighteen pounders and two sixes. The movement was soon discovered, and a brisk fire of musquetry was poured from the whole line of the Canada shore. Our battery then opened to sweep the shore; but it was, for some minutes, too dark to direct much fire with safety. A brisk cannonade was now opened upon the boats from three diffesent batteries—our battery returned the fire, and occasionally threw grape upon the shore, and was itself served with shells from a small mortar of the enemy's. Colonel Scott, of the artillery, by hastening his march from Niagara Falls in the night, arrived in season to return the enemy's fire with 2 six pounders.

The boats were somewhat embarrassed with the eddies, as well as with a shower of shot: but colonel Van Rensselear, with about 100 men, soon effected his landing amidst a tremenduous fire directed upon him from every point; but to the astonishment of all who witnessed the scene, this van of the column advanced slowly against the fire. It was a serious misfortune to the van and indeed to the whole expedition, that in a few minutes after landing, col. Van Rensselear received four wounds—a ball passed through his right thigh, entering just below the hip-bone—another shot passed through the same thigh, a little below—the third through the calf of his left leg—and a fourth cartused his heel. This was quite a crisis in the expedition. Under so severe a fire it was difficult to form raw troops. By some mismanagement of the boat men, lieut. col. Christie did not arrive until some time after this, and was wounded in the hand in passing the river. Col. Van Rensselear was still able to stand; and with great presence of mind ordered his officers to proceed with rapidity and storm the fort. This service was gallantly performed, and the enemy driven down the hill in every direction. Soon after this both parties were considerably reinforced, and the conflict was renewed in various places—many of the enemy took shelter behind a stone guard house, where a piece of ordnance was now briskly served. I ordered the fire of our battery directed upon the guard house; and it was so effectually done, that with 8 or 10 shot the fire was silenced. The enemy then retreated behind a large stone-house; but in a short time the route became general, and the enemy's fire was silenced except from a one gun battery, so far down the river as to be out of the reach of our heavy ordnance and our light pieces could not silence it. A number of boats now passed over unannoyed except from the one unsilenced gun. For some time after I had passed over, the victory appeared complete: but in the expectation of further attacks, I was taking measures for fortifying my camp immediately—the direction of this service I committed to lieut. Totten, of the engineers. But very soon the enemy were reinforced by a detachment of several hundred Indians from Chipawa—they commenced a furious attack; but were promptly met and routed by the rifle and bayonet. By this time, I perceived my troops were embarking very slowly. I passed immediately over to accelerate their movements; but to my utter astonishment, I found that at the very moment when complete victory was in our hands, the

ardor of the unengaged troops had entirely subsided. I rode in all directions: urged the men by every consideration to pass over—but in vain. Lieut. col. Bloom, who had been wounded in action, returned, mounted his horse and rode through the camp; as did also Judge Peck, who happened to be here, exhorting the companies to proceed—but all in vain.

At this time a large reinforcement from Fort George were discovered coming up the river. As the battery on the hill was considered an important check against their ascending the heights, measures were immediately taken to send them a fresh supply of ammunition, as I had learnt there were left only 20 shot for the 18 pounders. The reinforcements, however, obliqued to the right from the road and formed a junction with the Indians in the rear of the heights. Finding to my infinite mortification, that no reinforcement would pass over; seeing that another severe conflict must soon commence; and knowing that the brave men of the heights were quite exhausted and nearly out of ammunition, all I could do was to send them a fresh supply of cartridges. At this critical moment I dispatched a note to gen. Wadsworth, acquainting him with our situation—leaving the course to be pursued much to his own judgment—with assurance that if he thought best to retreat, I would endeavor to send as many boats as I could command, and cover his retreat by every fire I could safely make. But the boats were dispersed—many of the boatmen had fled, panic struck—and but few got off. But my note could but little more than have reached gen. W. about 4 o'clock, when a most severe and obstinate conflict commenced and continued about half an hour, with a tremendous fire of cannon, flying artillery and musketry. The enemy succeeded in repossessing their battery; and gaining advantage on every side, the brave men who had gained the victory, exhausted of strength and ammunition, and grieved at the unpardonable neglect of their fellow soldiers, gave up the conflict.

I can only add that the victory was really won; but lost for the want of a small reinforcement. *One third part of the idle men might have saved all.*

I have been so pressed with the various duties of burying the dead, providing for the wounded, collecting the public property, negociating an exchange of prisoners, and all the concerns consequent of such a battle, that I have not been able to forward this dispatch at as early an hour as I could have wished. I shall soon forward you another dispatch in which I shall endeavor to point out to you the conduct of some most gallant and deserving officers. But I cannot in justice close this without expressing the very great obligation I am under to brigadier-general Wadsworth, colonel Van Rensselaer, col. Scott, lieutenant-colonels Christie and Fenwick, and captain Gibson. Many others have also behaved gallantly. As I have reason to believe that many of our troops fled to the woods, with the hope of crossing the river, I have not been able to learn the probable number of killed, wounded, or prisoners. The slaughter of our troops must have been very considerable. And the enemy have suffered severely.

General Brock is among their slain, and his *aid-de-camp* mortally wounded.

I have the honor to be, sir, with great respect and consideration, your most obedient servant.

(Signed) STN. VAN RENSSELAER.
Major-General.

Major-General Dearborn.

HEAD QUARTERS, *Lewiston, 15th Oct.* 1812.

Sir—For any further particulars respecting the action; the present situation and movements of our troops; the appearance of the enemy's situation; and our future prospects, generally, I beg leave to refer you to captain Dox, who will have the honor to deliver you this dispatch. Captain Dox is an intelligent officer, and much reliance may be placed on his information and judgment.

I am, with great respect, sir, your obedient servant,

[Signed] STN. VAN RENSSELAER

Major gen. Dearborn.

THE BATTLE OF QUEENSTOWN.

In addition to the official account we are induced to add some interesting particulars, unnoticed by gen. *Van Rensselaer*, but apparently worthy of entire confidence, being abstracted from a great mass of corroborative matter, furnished by different persons engaged in the affair.

The whole number of troops that crossed were less than 1000.* Capt. Ogilvie, of the regulars, who was taken prisoner, has arrived at New-York, on parole. He left Queenstown on the 19th inst. He says, "that about 60 were killed, 160 wounded and 700 made prisoners—920; which was the whole that went over to fight the British, and would have succeeded if they had been reinforced." Among the prisoners are lieut. col. Fenwick, thrice wounded, of the flying artillery; lieut. col. Scott of the 2nd reg. U. S. artillery; lieut. col. Christie of the 13th infantry, and major Mullany of the 23d.

The landing appears to have been effected under a dreadful fire from the enemy. An instant appeal was made to the bayonet, and the British soon dispossessed of all the advantages they had had in the ground; and the victory appeared complete, though bravely contested. In what may be called the second battle, lieut. col. Christie, with 320 men of his regiment, charged the famous 49th British regiment, 600 strong, and put them completely to flight. In attempting to rally them, gen. *Brock* was killed. Still the triumph was on our side, and nothing seemed wanting but strength to pursue the advantages so gallantly gained. The whole British force, (discovering that our troops were not reinforced,) made battle a third time; our men, though outflanked and almost surrounded, fought them for an hour and a half more, when, worn down with eleven hours exertion, prudence dictated a surrender to the foe three or four times as numerous. The loss of the enemy, as well as the precise amount of his force engaged, is unknown.

On the 14th, an arrangement was made between major-general Van Rensselaer and general Sheafe for the liberation of all the militia prisoners on parole not to serve during the war. We shall, perhaps, be able to add many interesting circumstances next week—and shall console ourselves with reflecting that the victory of the British is something like *that* which they obtained at *Bunker's Hill* "in days of yore."

[☞ Since the above was prepared for the press, we have received the following from a New-York paper, of the 28th:]

Capt. Ogilvie, of the 13th regiment, who was at the battle of Queenstown, and who led the detachments that succeeded in taking the redoubt upon the heights there, arrived yesterday morning in the Steam-boat from Albany, and gives the following particulars:—

A detachment from the 13th regiment, consisting of about 300 men, under the command of colonel Christie, and about 300 militia under the command

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* Another account says our force was 1320 men; of whom 700 were regulars, and that the British, including their reinforcements, amounted to 3000, besides a host of Indian allies.

of colonel Van Rennssellaer, received orders from the general to cross the Niagara river on the morning of the 13th inst. which was in part effected before day, under a very heavy and destructive fire of grape and musket shot, from the British, who, it appears, were apprised of the attack.

In crossing the river, three boats with troops, one of which contained lieut. col. Christie, were carried by the rapid current of the river far below the point of landing; and as soon as col. Christie's boat touched the shore, the only guide to the ground left the colonel.

In consequence of this disaster, not more than 200 men at first effected a landing. Those few, however, marched on under a heavy fire, and formed a line on the front of the battery, where they were sheltered by a bank, upon the summit of which there was a battery, which proved very destructive to officers and men. From the fire of this battery, and that of a house on their right flank, colonel Van Renssellaer was wounded, and likewise capt. Armstrong, capt. Lawrence, capt. Wool, and lieut. Lent; killed lieut. Valleau and ensign Morris; all of the 13th. Col. Van Rensselaer, after he was wounded, urged the troops to storm the heights.

Sixty determined men, led by capt. Ogilvie, seconded by capt. Wool (though wounded) and lieutenants Karney, Carr, Hugginan and Sammons, ensign Revè, of the 13th, lieuts. Randolph and Gansevoort, circuitously mounted the heights, gave three cheers, and immediately charged; and after the third charge gained complete possession, which they kept about 6 hours. Among those sixty were ten of the militia. During the time they had possession of the heights, they received some reinforcement. Lieut. col. Christie effected a landing, and a body of militia —amounting in the whole to about 500. Col. Scott superceded capt. Ogilvie in the command, soon after which the British received a reinforcement from forts George and Chippawa, amounting to about 11,00, including Indians. The Indians were soon repulsed and driven to the wood.

The attack of the Indians and their war-whoop had such an effect upon the militia that when the troops had formed a line in three divisions, and were counted off, only 240 men, 110 of which were militia, remained. Previous to this, however, a column of British regulars advanced, commanded by general Brock. The British general's horse was killed by a private of the name of Wilklow, who was enlisted in Orange county, shortly after which the general himself fell within pistol shot of the American troops. The superiority in numbers of the British and their Indian allies induced the American officers to hold a consultation, at which they were disposed to dispute the ground they held, but a note was received from gen. Van Rensselaer, informing them he could afford them no assistance, and that he would cover their retreat at the battery at Fort Grey, and furnish boats to re-cross the river; and finding by col. Stranahan that the militia would no longer act, a retreat was resolved upon They retreated in good order without the loss of a man, to the margin of the river; but to their extreme mortification, not a boat was there to receive them nor did any arrive. After remaining in this extremely painful situation about a quarter of an hour, this little band surrendered to about five times their number.

During this long and severe conflict, 1100 or 1200 militia remained idle spectators on this side the river.

The enemy consisted of a part of the 49th regiment, who, with gen. Brock, had signalised themselves in Egypt, and from their valor were called the invincibles. Before this they had never been known to give an inch of ground, and acknowledged, afte the surrender, they had never fought with such brave men. They treated their prisoners with tenderness and respect, and allowed them as much merit as brave men could desire. The number of American troops killed amounted to not more than 60, and about 100 were wounded. The number of prisoners, including the wounded, amounted to about 700.

But the victorious enemy, though generous and tender to those who by the fortune of war had fallen into their power, for the want of either the will or the power, imposed no restraint upon their Indian allies from stripping and scalping the dying and the slain that remained upon the field of battle. Captain Ogilvie himself saw the lifeless body of ensign Morris stripped even of his shirt, and the skull of one who had been wounded, was seen cloven by a tomahawk.

Our informant saw the funeral of general Brock. The guns at Fort Niagara were fired during the ceremony as a mark of respect due to a brave enemy.

We close with the following neat description of Queenstown, extracted from the *Aurora*:

QUEENSTOWN

Is a handsome town, immediately below the falls of Niagara, and at the head of the navigable waters of that strait; it is the place of depot for all the merchandize and public stores, which are brought to that place from Kingston. Public stores for forts Erie and Malden, and merchandize for all the country above, as well as the returns by that route downward, pass through Queenstown. They are transported by waggons along the portage ten miles to Chippaway, now called Fort Welland above the falls. It has a fine harbor, deep water, and good anchorage; the banks on both sides are elevated, and the landscape among the most splendid and sublime in the universe. Several stage coaches constantly ply between these towns and Newark.

Newark is on the same side of the strait, nearer the entrance of Lake Ontario.—Upon the evacuation of the western ports by the British, Fort Niagara was surrendered to the United States. The scite was selected in 1751 by the French, and was considered as the key to the inland country. In its best state, it was, however, only a rampart of earth, scarped with a stockade, and a spacious barrack within the work. The encroachment of the waters threaten to undermine it; but the erection of a work called Fort George on the Canadian side of the strait, on a potition which by being more elevated commands the position of our side, the work at Niagara has been suffered to decay, as indefensible. The point blanc distance of the two works is less than a mile, a plain of about a mile over separates Fort George from Newark. Fort George is a work constructed of similar materials, and has been recently improved, and its defences strengthened by double pallisades and several out works. Our position opposite Queenstown is Black Rock.

MILITARY.

William Henmann, a private of the 15th U. S. regiment, was *shot* at Plattsburg on the 15th instant, in pursuance of the sentence of a court martial. His crime was desertion, with intent to pass over to the enemy. Another soldier, of that same regiment, was found guilty of the same offence, but pardoned, it having appeared to brig. gen. Bloomfield, that he was led from his duty by Henman.

Five companies of volunteer artillery rendezvoused at Watertown, N. Y. on the 1st inst. and marched for Sacket's Harbor.

Three companies of volunteer infantry, one of riflemen, and one of cavalry, rendezvoused at Troy, N. Y. on the 2nd, and marched for Plattsburg.

About 4000 Kentuckians are in the Indiana territory, under general Hopkins. One half of them are mounted riflemen. At our last accounts, they were about to make an excursion into the Prophet's country.

Governor Tompkins arrived at Sackett's Harbor on the 7th inst. and encamped with the troops.—Regulars, volunteers and militia, are marching from every direction to Plattsburg, Niagara, &c.——The whole quota of the Vermont militia were embodied, and to cross the lake to Plattsburg. There are very few troops remaining at Greenbush.

General Harrison returned to the army on the 2nd of Oct. and the best understanding prevails among the officers and men. He appears to be acting in so cautious and prudent a manner, as, with the gallant spirits he has under him, must ensure complete success. At this date he has probably been joined by the troops from Pennsylvania and Virginia.

The company of volunteers from Petersburg, Va. composed of 102 citizens, under the command of captain Richard McRae, took up the line of march for Canada on Wednesday week last.

Extract of a letter from a field officer of the engineers, dated "Lake Ontario, Sackett's Harbor, Oct. 10.

"We arrived here on the 1st inst. with the governor and com. Chauncey, who has lately been appointed to the command of the lakes. I have been constantly employed in laying out batteries, redoubts, quarters, &c. necessary for this new and important post, as we are now concentrating and assembling our naval force to this point; it has advantages equal if not superior to any on these waters, as to its complete protection from the winds and ice, which are serious considerations in this inhospitable clime.—The land commands one of the most beautiful sheets of water in the world, dotted with islands, whose tops dispute the passage of the clouds. This situation is about 60 miles from where the lake empties itself into, and forms the St. Lawrence. Kingston is situated at the distance of 20 miles on the opposite shore, where the British have a large force, which keeps us on the alert. Never have I seen a more determined set of brave fellows, than are embodied here—all are ready and solicitous, and urge the officers to conduct them to the enemy. With such men, properly disciplined, we can confidently expect an easy conquest. Every exertion is making here by the government to get command of the lake.——We have a fine ship on the stocks, which will be finished the last of Nov. and will mount thirty-six 32-pounders, together with the brig Oneida mounting twenty 32's—with six merchant vessels, that are to be converted into gun-boats. As soon as they are completed, an attack will certainly be made, and with every prospect of success. The force now collected at Niagara, amounts to 8,000 men.

Marietta, Oct. 3.—On Monday last about 300 Virginia militia embarked at Little Kanhawa, for Point Pleasant at the mouth of Great Kanhawa.

On Thursday about 300 from Morgana county passed on for the same rendezvous.

On the same day arrived one light infantry and rifle company from Pittsburg (12 months, men) in complete uniform. Their appearance was very good.

PENNSYLVANIA REINFORCEMENTS.

Since the first of September last, the following reinforcements from Pennsylvania have marched through this place on their way to join the north-western and the Niagara armies.

Seven companies of infantry and riflemen and two troops of cavalry, furnished and directed by captain Joseph Wheaton, in the quarter-master-general's department.

Two thousand drafted militia and volunteers destined for Niagara, under the command of general Tannehill.

Two thousand drafted militia and volunteers under the command of general Crooks, directed to join the north-western army under the command of general Harrison.

Twenty-eight pieces of cannon, for the same destination.

A number of carriages, guns, howitzers, &c. the number not exactly known, will also leave this in a few days. They will be under the direction and care of that able and experienced soldier of the revolution, major Amos Stoddard, and will no doubt be amply sufficient to answer the desired end.

It is a pleasing task to notice these occurrences. They show that the government and its agents are fully determined, and are exerting every nerve, to prosecute the present honorable contest with vigor and effect. *(Pittsburg Mer.*

COMMENDABLE JUSTICE IN THE ENEMY.

In our paper of September 29, we gave an account of the *plunder* of several families at Sturgeon Point, by the crew of a British boat.

A proper representation of the same having been made to the British commander at fort Erie, last week, a flag arrived and brought over all the *plundered articles* they could find about the boats or ship, and three hundred dollars in British gold to repair the damage. We understand that a letter accompanied the money and goods, disavowing the unwarrantable act and apoligizing in a very handsome manner for the outrage. The evils of war would be much diminishned, should this principle be acted upon at all places on the frontiers. *ib.*

St. Louis, September 26.

The following account of the attack on Fort Belle-Vue, was handed to us by a friend who was at that post during the siege. The position is one of the most ineligible on the Mississippi for a place of defence: as from an eminence their parade ground could be swept by small arms, and it is almost surrounded by chasms to within ten or twelve steps of the pickets and block-houses, from whence the Indians threw upwards of 500 pieces of burning timber on the roofs of the houses; and when the attack commenced there was no spot about the fort that did not emit a continued sheet of fire from guns, fiery arrows and brands, and did not afford the brave fellows within an opportunity of doing much execution, except now and then knocking over such *red skins* as had the impudence to peep over the bank. Lieutenants Hamilton and Vasques have done themselves much credit in defence of the post committed to their care.

ATTACK ON FORT BELLE-VUE.

Sept. 16th, 1812.—On the 5th inst. at half past 5 P. M. this garrison was attacked by a party of Winabagoes, the number not precisely known, but supposed to be upwards of 200. Fortunately there was only one soldier out of the garrison (John Cox) who fell a victim to the scalping knife. A constant firing on both sides were kept up until dark; early next morning they commenced again, and about 7 o'clock they set fire to a Mr. Graham's boat and loading, this man arrived on the 4th, they also burnt two boats belonging to the public; soon after they began to throw fire on the block-houses that stood near the bank of the river but not sufficiently near as to command the space between them and the river, syringes being made of

gun barrels, the roofs were wet so as to prevent fire taking; during this time part of them killed the live stock, plundered and burnt Mr. Julian's houses, destroying the corn, and on the 7th they continued throwing fire on the block-houses and shot arrows in the roofs with matches tied to them.

The morning being calm all their fire attempts on the block houses proved useless. In the evening they burnt Mr. M'Nabb's house and attempted the smith shop, and it was generally believed they were only waiting for a favorable wind to burn the factory, so that it might catch the garrison, which would have been the certain means of destroying us all, to prevent that, as the evening was very calm, the commanding officer, Thomas Hamilton, despatched a soldier with fire to the factory; and in less than 3 hours that building was consumed without any danger to the garrison—during this day several Indians crept into an old stable and commenced shooting out of it, but a shot from the cannon by lt. B. Vasques, soon made their yellow jackets fly.

On the 8th we heard but little from them; several canoes were seen crossing the river, and on the 9th not an Indian was to be seen or gun fired. I am happy to say no lives were lost in the fort, one man was slightly wounded in the nose. The Indians must have had many killed, as several of them were seen to fall.

NAVAL.

The cartel skip Fawn, has arrived at Boston from Halifax, with 500 prisoners. The Spitfire, with 300 more, was to sail in a few days after her.

At our last Boston dates, the frigate Constitution, com. Bainbridge, sloop of war Hornet, capt. Lawrence, were on the point of leaving that port on a cruise.

We are without news from com. *Rodgers'* squadron—the Essex has sailed from the Delaware, and the *Constellation*, thoroughly repaired, is nearly ready for sea, at Washington, as is also the Adams; the latter is to be commanded by the gallant Morris, late of the Constitution. We trust that this little force will be powerfully augmented by congress, as soon as possible. The very act of increasing our vessels of war, aided by the practical proof we have happily afforded of their effect, will direct the enemy to peace—lest he may feel our strength on the ocean and lay the foundation of a power that shall contend with him for the trident of the world. Had we the ships that *Bonaparte* keeps in his harbors—the whole navy of Great Britain would not detain them in port.

The vessel constructing at Sackett's Harbor by Mr. Eckford of this city, says a New-York paper of the 26th ult. is rapidly progressing towards her completion. The raising is furnished, and the workmen were building stages on the 17th inst. She is 112 feet keel. The governor, at that time, was at Sackett's Harbor, preparing the troops, which consisted of about 2,000 soldiers.

Sailed on Saturday morning, from N. York, on a cruise, the beautiful private armed ship York-Town, Thomas H. Storey, Esq. commander. The York-Town mounts 18 long 9's, and has a crew of 150 men.

FAIRHAVEN, R. I. Oct. 23.

Launch.—The beautiful new privateer *Governor Gerry*, of 250 tons, and pierced for 18 guns, was launched from the ship yard in this village, on Wednesday last. She is a most beautiful vessel, built of the best materials, and good judges are of opinion that she will be a remarkable swift sailer.——The keel of this vessel was laid only 48 days previous to the launch.

American Prizes.

(WEEKLY LIST—CONTINUED FROM PAGE 127.)

229. Brig Favorite, 222 tons, 2 guns, from Cork for Pictou, in ballast, sent into Lynn, by the Industry of that port.

230. Brig sir John Moore, from Dublin for Prince Edward's Island, 177 tons burthen, sent into ditto by ditto.

231. Brig Lord Sheffield, from Teneriffe for Quebec, burnt by the Marengo, after taking out a few small articles.

232. Schooner Betsey Ann, from the West Indies, laden with sugar, captured in sight of Halifax harbor by the Fame privateer, and sent into Salem.

233. Brig William and Charlotte, sent into Salem by the Montgomery.

234. Brig Henry, from Liverpool for Halifax, laden with crates, salt and coal, a valuable vessel, sent into Salem by the John, of that port.

235. Schooner Four Brothers, from the West Indies for Newfoundland, sent into Salem by the Fame privateer.

236. Schooner Four Sons, from the Bay of Chaleur, laden with fish and furs, sent into Salem by the Fame of that port.

237, 238. Two schooners sent into Portland by the Dart privateer—one in ballast, the other with live stock.

239. Schooner Antelope, of Curracoa, sent into Charleston by the Rosamond of New-York.

240. Schooner Dawson, captured off the island of Jamaica, laden with sugar, rum and coffee, and sent into Savannah by the Wasp of Baltimore.

☞Many *American* vessels, with goods from *England*, have been sent into port by our privateers, on suspicion of having British property on board. These have not been noticed in our list; but, it appears, the facts are, in many instances, as they were supposed; and, if the proper *proof* can be furnished, condemnations to a great amount will take place.—It is positively stated that one of the Yankee's prizes of this description will afford the privateer the enormous sum of 200,000 dolls.

"The American Captains."

It is a source of honest pride to look over the annals of our revolutionary war and observe, that, in *every* instance, where an *American* vessel, of equal force, came into contact with a *British* ship, the former was the conqueror. Nay, there are several memorable affairs in which our vessels of inferior force, gallantly carried the best appointed ships of the enemy. The capture of the *Serapis*, by Paul Jones, and the *General Monk*, by Joshua Barney, are *striking* cases in point. So far as we can judge by the events of the present war, the courage of our seamen, (yet unused to arms,) will inevitably produce the same effects.

The following is extracted from *Cobbett's Register* of June 9, 1808. His contempt for the American character, and all that belongs to us, was [and is] universally felt by the ministerial interest to which he *was* nearly allied; having "deserved a statue of gold," as *Windham* declared in parliament, for his services in the *United States of America. Two years* imprisonment appears to have brought Mr. *Cobbett* a little to his senses, though it may not have corrected his morals. But THIRTY MINUTES *tete a tete* between "captain HULL" and captain *Dacres*, wofully divested the latter of all his high "notions," and perhaps may have the same effect on his masters. "*Murray*" and "*Chauncey*" have "only lacked *opportunity*".—*Rodgers* and *Decatur* perhaps, may

have it. If they do not meet with more than *double* their force, others of "his majesty's captains" will be taught a useful lesson of humility.

Cobbett is commenting on the proceedings of the court of enquiry instituted to examine into the surrender of the *Chesapeake* frigate, to the British ship *Leopard*—and says

"It was no trial of poor Barron; the real object of "it has nothing to do with *him*; it was intended as "an *apology* for an American ship, 'the commodore of "the American navy' being so *shamefully* beaten; and "to any one who *knows* the parties *as I do*, it must "be good diversion to hear the *pompous* statement of "captain Alexander Murray, and ISAAC HULL and "Isaac Chauncey, while to those who do not know "them, it may be necessary to say, that, in forming "an idea of them, they must *totally divest their minds* "*of all the notions, which they have been accustomed to* "*entertain of the* CAPTAINS OF OUR NAVY."

What says the noble *Guerriere* to this—"one of the best vessels that ever swam?" Destroyed in thirty minutes, like a cock boat, by the "*Isaac Hull.*"

Army of the United States.

The following officers of the old army have received brevet commissions of one grade in advance of their present rank, under an act passed at the last session, authorising the issuing brevet commissions to all officers who shall have served for ten years in any one grade in the army:

Brigadier-general James Wilkinson, colonel Henry Burbeck, lieutenant-colonel Constant Freeman, major William Mac Rea, captain Nehemiah Freeman, captain Lloyd Beall, major Zebulon Pike, captain John Whistler, captain Hugh M'Call.

General Wilkinson of course now ranks as major-general by virtue of this promotion. *Nat. Int.*

The British Parliament.

Our remarks upon the British parliament, in vol. 1, page 95, of the WEEKLY REGISTER, much ruffled the temper of some, though compelled to admit the truth and justice of all we advanced. We said, it was well known that seats in the house of commons were disposed of with as little ceremony as bags of wool. In the London Morning Chronicle of the 12th of May, 1809, there is a long debate on a charge made by Mr. *Madocks*, a member of parliament, as follows:

"I affirm, then, that MR. DICK *purchased* a *seat in* "*the house of commons* for the borough of Cashel, "through the agency of the honorable Henry Wel-"lesley, who acted for, and on behalf of, the treasu-"ry; that upon a *recent question* of the last impor-"tance, when Mr. Dick had determined to vote ac-"cording to his conscience, the noble lord, CASTLE-"REAGH, did intimate to that gentleman the neces-"sity of either his *voting with the government, or* "*resigning his seat in that house*; and that Mr. Dick, "sooner than vote against principle, did make choice "of the latter alternative, and vacate his seat ac-"cordingly. To this transaction I charge the right "honorable gentlemen, MR. PERCEVAL, *as being pri-*"*vy and having connived at it.* This I will ENGAGE "TO PROVE BY WITNESS AT YOUR BAR, if "the house will give me leave to call them."——At the end of the debate, which ensued upon this, the question was taken upon a motion FOR AN ENQUIRY into the matter; there appears, from the report, to have been 395 members present; and, out of 395, 85 voted for the motion, which, of course, was lost, there being *three hundred and ten* out of three hundred and ninety five, who voted *against the enquiry.*

THE CHRONICLE.

Immense quantities of British goods have lately arrived in the United States from *Canada*.—500 waggons laden with them, are said to have passed through Saratoga, N. Y. in a single week. The pretence is, that they belong to citizens of the U. States, who are allowed a certain time to remove their property from Canada. We trust that the right of property will be carefully examined into: It is confidently stated, that some millions of dollars worth of goods, brought hither by the late vessels from England, will pass to the benefit of our privateers—a great portion is *covered* by traitors.

A file of Mexican gazettes have been received at Philadelphia—latest date June 3. These papers give some truly pompous accounts of the victories of the tories of that country over the whigs. *But the end is not yet.* Liberty will erect her standard in Mexico. We are much relieved by the following article:

Alexandria, Louisiana, Sept. 6, 1812.—Two companies of the troops lately at Nacogdoches, have been ordered on as far as Trinity, to possess themselves of and occupy that place until the arrival of the main force. From this place they will proceed with all possible dispatch to St. Antonio. The party increases every day, and the most sanguine hopes are entertained of complete success.

Gen. Ryan's force in the vicinity of Mexico, amounts to between 15 and 20,000 men—and it is supposed an attempt, if not already, will very soon be made on this *last remaining prop of decayed monarchy in the west.* Mexico taken and the republic triumphs!

A quantity of the wool taken from San Brano, passed this place a few days since for Natchez. It is we learn, to be exchanged for arms and other military stores, necessary to the more complete equipment and accommodation of the republican party.

Massachusetts.—The two branches of the legislature of Massachusetts have at length agreed as to the manner in which the electors of President and Vice-President are to be chosen. They are to be elected in districts formed by the *common pleas circuits.* The resolve passed the senate 21 to 12—and was determined in the house without opposition. It has also been approved of by the governor. The Boston [federal] papers calculate that 17 federal electors will be chosen by this method. The *Centinel* says, it was opposed "by the prominent Madisonians." Upon the whole, however, so far as we are informed of the matter, the plan adopted may be considered as fair; the *court districts* having been laid out without any reference to party feelings or interests. It is our opinion that the vote of the state will be nearly neutralized. *John Adams*, late President of the U. States, is offered as one of the electors pledged to the support of Messrs. Madison and Gerry.

Though *flour* was sold for more than 11 dolls. per barrel, in Baltimore, during the present week, the sale of *wheat* [to the millers] has been dull at a proportionate price, under the idea that congress would *immediately* stop the *supplies of the enemy.* Flour at Lisbon, Sept. 9, was only 17 dollars.

It is said that a mechanic at Chesnut Hill, near Philadelphia, has discovered *the perpetual motion.* It is further stated, that he has been offered 200,000 dols. for the patent right of this all-important discovery. *If this is true, we shall hear more about it.*

To the American owners, supercargoes and masters of vessels, now lying in the bay of Funchal, Madeira.

Gentlemen,

I have the honor to inform you that captain Skeene, of H. B. M. ship Munden, called at my house, and in the politest terms, promised to give me up the part of the crew of the Amsterdam packet, captured by, and now on board the ship under his command, provided I would give him a proper receipt, stating that they should be exchanged for as many British subjects of the same rank, should the war continue; which I immediately agreed to do. He likewise declared that he would respect the neutrality of this port, and that the American vessels now in port might remain in the greatest security, as he would by no means molest them; at the same time expressing his wish that American armed vessels may be actuated by the same motives. He likewise informs me, that it is the general opinion in England, as it is the greatest wish, that matters will speedily be amicably adjusted between our two nations.

If this information will be of any use to any of you, my object is obtained; and in the mean time I continue, gentlemen, your obedient servant,

JAMES LEANDER CATHCART.

Consulate of the U. States of America, Madeira, August 30th, 1812.

NEW-JERSEY ELECTION—*General Result.*

	REPUBLICAN.		FEDERAL.	
	Coun.	*As.*	*Coun.*	*As.*
Bergen			1	3
Essex	1	4		
Morris	1	3		
Sussex	1	4		
Middlesex			1	3
Somerset			1	3
Hunterdon	1	1		3
Burlington			1	4
Monmouth			1	3
Salem	1	1		
Gloucester			1	3
Cumberland	1	2		
Cape-May			1	1
Total	6	17	7	23

THE WEEKLY REGISTER.

No. 10 of vol. III.] BALTIMORE, SATURDAY, November 7, 1812. [whole no. 62.

Hæc olim meminisse juvabit.—Virgil.

Printed and published by H. Niles, South-st. next door to the Merchants' Coffee House, at $ 5 *per annum.*

SUBSCRIPTIONS

FOR

THE WEEKLY REGISTER

Are thankfully received. The work may be had from the commencement, or from the beginning of any volume, on paying for the volumes delivered or required, as well as the current year's subscription, in advance. Many, perhaps, have been disappointed in not receiving the Register—but the plain English of the matter is this—*the paper will not be forwarded to any person who does not pay for it.* "It is as easy done at first as at last;" and of *material* consequence to the editor. What was a thing of *experiment* has become *certainly.* The publication is established on the firmest basis; and will be continued. Those who receive it must pay for it. As has been observed, it is too expensive to be forwarded on the *possibility* of renumeration. The heavy arrearages already existing, say at least $5000 for the first year, have greatly embarrassed the editor, as well as thwarted many favorite schemes for adding value to the work, in maps, plates and supplements.

Constitution of Massachusetts.

(Concluded from page 131.)

CHAP. II.—EXECUTIVE POWER.

Sec. I.—Governor.

Art. I. THERE shall be a supreme executive magistrate, who shall be styled, *The Governor of the Commonwealth of Massachusetts*—and whose title shall be, *His Excellency.*

II. The governor shall be chosen annually; and no person shall be eligible to this office, unless, at the time of his election, he shall have been an inhabitant of this commonwealth for seven years next preceding; and unless he shall, at the same time, be seized, in his own right, of a freehold within the commonwealth, of the value of one thousand pounds; and unless he shall declare himself to be of the christian religion.

III. Those persons who shall be qualified to vote for senators and representatives, within the several towns of this commonwealth, shall, at a meeting to be called for that purpose, on the first Monday of April, annually, give in their votes for a governor to the selectmen, who shall preside at such meetings; and the town clerk, in the presence, and with the assistance of the selectmen, shall, in open town-meeting, sort and count the votes, and form a list of the persons voted for, with the number of votes for each person, against his name: and shall make a fair record of the same in the town books, and a public declaration thereof in the said meeting; and shall, in the presence of the inhabitants, seal up copies of the said list, attested by him and the selectmen, and transmit the same to the sheriff of the county, thirty days at least before the last Wednesday in May: and the sheriff shall transmit the same to the secretary's office, seventeen days at least before the said last Wednesday in May; or the selectmen may cause returns of the same to be made to the office of the secretary of the commonwealth, seventeen days at least before the said day; and the secretary shall lay the same before the senate and house of representatives on the last Wednesday in May, to be by them examined: and in case of an election by a majority of all the votes returned, the choice shall be by them declared and published. But if no person shall have a majority of votes, the house of representatives shall, by ballot, elect two out of four persons, who had the highest number of votes, if so many shall have been voted for: but, if otherwise, out of the number voted for; and make return to the senate, of the persons so elected; on which the senate shall, by ballot, elect one, who shall be declared governor.

IV. The governor shall have authority from time to time, at his discretion, to assemble and call together the counsellors of this commonwealth for the time being; and the governor, with the said counsellors, or five of them at least, shall, and may, from time to time, hold and keep a council, for the ordering and directing the affairs of the commonwealth, agreeably to the constitution and the laws of the land.

V. The governor, with the advice of council, shall have full power and authority, during the session of the general court, to adjourn, or prorogue the same, to any time the two houses shall desire; and to dissolve the same on the day next preceding the last Wednesday in May; and in the recess of the said court, to prorogue the same, from time to time, not exceeding ninety days in any one recess: and to call it together sooner than the time to which it may be adjourned, or prorogued, if the welfare of the commonwealth shall require the same. And in case of any infectious distemper prevailing in the place where the said court is next at any time to convene, or any other cause happening where, by danger may arise to the health or lives of the members from their attendance, he may direct the session to be held at some other of the most convenient places within the state.

And the governor shall dissolve the said general court on the day next preceding the last Wednesday in May.

VI. In cases of disagreement between the two houses, with regard to the necessity, expediency, or time of adjournment, or prorogation, the governor, with advice of the council, shall have a right to adjourn or prorogue the general court, not exceeding ninety days, as he shall determine and the public good shall require.

VII. The governor of this commonwealth, for the time being, shall be commander in chief of the army and navy, and of all the military forces of the state, by sea and land; and shall have full power, by himself, or by any commander, or other officer or officers, from time to time, to train, instruct, exercise, and govern the militia and navy; and for the special defence and safety of the commonwealth, to assemble in martial array, and put in warlike posture, the inhabitants thereof; and to lead and conduct them, and with them to encounter, repel, resist, expel, and pursue, by force of arms as well by sea as by land, within or without the limits of this commonwealth: and also to kill, slay, and destroy, if necessary, and conquer, by all fitting ways, enterprises, and means whatsoever, all and every such person or peasons, as shall at any time hereafter, in a hostile manner, attempt or enterprise the destruction, invasion, detriment, or annoyance of this commonwealth; and to use and exercise, over the army and navy, and over the militia in actual service, the law martial, in time of war or invasion, and also in time of rebellion (declared by the legislature to exist) as occasion shall necessarily require; and to take and surprise, by all ways and means whatsoever, all and every such person or persons (with their ships, arms, ammunition and goods) as shall, in a hostile manner, invade, or attempt the invading, conquering or annoying this commonwealth: and that the governor be entrusted with all these and other powers, incident to the offices of captain-general, and commander in chief, and admiral, to be exercised agreeably to the rules and regulations of the constitution, and the laws of the land, and not otherwise.

Provided, That the said governor shall not, at any time hereafter, by virtue of any power by this constitution granted, or hereafter to be granted to him by the legislature, transport any of the inhabitants of this commonwealth, or oblige them to march out of the limits of the same, without their free and voluntary consent, or the consent of the general court; except so far as may be necessary to march or transport them by land or water, for the defence of such part of the state, to which they cannot otherwise conveniently have access.

VIII. The power of pardoning offences, except such as persons may be convicted of before the senate, by an impeachment of the house, shall be in the governor, by and with the advice of council; but no charter of pardon granted by the governor, with advice of the council, before conviction, shall avail the party pleading the same, notwithstanding any general or particular expressions contained therein, descriptive of the offence or offences intended to be pardoned.

IX. All judicial officers, the attorney-general, the solicitor-general, all sheriffs, coroners, and registers of probate, shall be nominated and appointed by the governor, by and with the advice and consent of the council; and every such nomination shall be made by the governor, and made at least seven days prior to such appointment.

X. The captains and subalterns of the militia shall be elected by the written votes of the train band and alarm list of their respective companies, of twenty-one years of age and upwards. The field officers of regiments shall be elected by the written votes of the captains and subalterns of their respective regiments. The brigadiers shall be elected in like manner, by the field officers of their respective brigades. And such officers, so elected, shall be commissioned by the governor, who shall determine their rank.

The legislature shall, by standing laws, direct the time and manner of convening the electors, and of collecting votes, and of certifying to the governor the officers elected.

The major-generals shall be appointed by the senate and house of representatives, each having a negative upon the other; and be commissioned by the governor.

And if the electors of brigadiers, field officers, captains or subalterns, shall neglect or refuse to make such elections, after being duly notified, according to the laws of the time being, then the governor, with the advice of council, shall appoint suitable persons to fill such offices.

And no officer, duly commissioned to command in the militia, shall be removed from his office, but by the address of both houses to the governor, or by fair trial in court-martial, pursuant to the laws of the commonwealth for the time being.

The commanding officers of regiments shall appoint their adjutants and quarter-masters; the brigadiers their brigade majors; and the major-generals their aids; and the governor shall appoint the adjutant-general.

The governor, with advice of council, shall appoint all officers of the continental army, whom (by the confederation of the United States) it is provided that this commonwealth shall appoint, as also all officers of forts and garrisons.

The divisions of the militia into brigades, regiments, and companies, made in pursuance of the militia laws now in force, shall be considered as the proper divisions of the militia of this commonwealth, until the same shall be altered in pursuance of some future law.

XI. No monies shall be issued out of the treasury of this commonwealth, and disposed of (except such sums as may be appropriated for the redemption of bills of credit or treasurer's notes, or for the payment of interest arising thereon) but by warrant, under the hand of the governor for the time being, with the advice and consent of the council, for the necessary defence and support of the commonwealth—and for the protection and preservation of the inhabitants thereof, agreeably to the act and resolves of the general court.

XII. All public boards, the commissary-general, all superintending officers of public magazines and stores belonging to this commonwealth, and all commanding officers of forts and garrisons within the same, shall, once in every three months, officially, and without requisition, and at other times, when required by the governor, deliver to him an account of all goods, stores, provisions ammunition, cannon with their appendages, and small arms, with their accoutrements, and of all other public property, whatever, under their care respectively; distinguishing the quantity, number, quality, and kind of each, as particularly as may be: together with the condition of such forts and garrisons. And the said commanding officer shall exhibit to the governor, when required by him, true and exact plans of such forts, and of the land and sea, harbor, or harbors, adjacent.

And the said boards and all public officers shall communicate to the governor, as soon as may be, after receiving the same, all despatches and intelligence of a public nature, which shall be directed to them respectively.

XIII. As the public good requires that the governor should not be under the undue influence of any of the members of the general court, by a dependence on them for his support; that he should in all cases act with freedom, for the benefit of the public; that he should not have his attention necessarily diverted from that object to his private concerns: and that he should maintain the dignity of the commonwealth, in the character of its chief magistrate—it is necessary that he should have an honorable stated salary of a fixed and permanent value, amply sufficient for those purposes, and established by standing laws: and it shall be among the first acts of the general court, after the commencement of this constitution, to establish such salary by law accordingly.

Permanent and honorable salaries shall also be established by law for the justices of the supreme judicial court.

And if it shall be found that any of the salaries aforesaid, so established, are insufficient, they shall from time to time, be enlarged, as the general court shall judge proper.

CHAP. II. SEC. II.—LIEUTENANT GOVERNOR.

Art. I. There shall be annually elected a lieutenant governor of the commonwealth of Massachusetts, whose title shall be, *His Honor*, and who shall be qualified in point of religion, property and residence in the commonwealth in the same manner with the governor; and the day and manner of his election, and the qualifications of the electors, shall be the same as are required in the election of a governor. The return of the votes for this officer, and the declaration of his election, shall be in the same manner; and if no one person shall be found to have a majority of all the votes returned, the vacancy shall be filled by the senate and house of representatives, in the same manner as the governor is to be elected, in case no one person shall have a majority of the votes of the people to be governor.

II. The governor, and in his absence, the lieutenant governor, shall be the president of the council; but shall have no vote in council: and the lieutenant-governor shall always be a member of the council, except when the chair of the governor shall be vacant.

III. Whenever the chair of the governor shall be vacant by reason of his death, or absence from the commonwealth or otherwise, the lieutenant-governor for the time being, shall, during such vacancy perform all the duties incumbent upon the governor, and shall have and exercise all the power and authorities, which by this constitution, the governor is vested with when personally present.

CHAP. II. SEC. III.—COUNCIL AND THE MANNER OF SETTLING ELECTIONS BY THE LEGISLATURE.

Art. I. There shall be a council, for advising the governor in the executive part of government, to consist of nine persons, besides the lieutenant governor; whom the governor, for the time being, shall have full power and authority, from time to time, at his discretion, to assemble and call together: and the governor, with the said counsellors, or five of them at least, shall and may, from time to time, hold and keep a council, for the ordering and directing the affairs of the commonwealth, according to the laws of the land.

II. Nine counsellors shall be annually chosen from among the persons returned for the counsellors and senators, on the last Wednesday in May, by the joint ballot of the senators and representatives assembled in one room; and in case there shall not be found upon the first choice, the whole number of nine persons, who will accept a seat in the council, the deficiency shall be made up by the electors aforesaid from among the people at large; and the number of senators left shall constitute the the senate for the year. The seats of the persons thus elected from the senate, and accepting the trust, shall be vacated in the senate.

III. The counsellors, in the arrangements of the commonwealth, shall have rank, next after the lieutenant-governor.

IV. Not more than two counsellors shall be chosen out of any one district of this commonwealth.

V. The resolutions and advice of the council shall be recorded in a register, and signed by the members present: and this record may be called for at any time by either house of the legislature; and any member of the council may insert his opinion, contrary to the resolution of the majority.

VI. Whenever the office of the governor and lieutenant-governor shall be vacant, by reason of death, absence or otherwise, then the council, or the major part of them, shall, during such vacancy, have full power and authority to do and execute all and every such acts, matters and things, as the governor or lieutenant-governor might or could, by virtue of this constitution, do or execute, if they or either of them, were personally present.

VII. And whereas, the elections appointed to be made by this constitution, on the last Wednesday in May, annually, by the two houses of the legislature, may not be completed on that day, the said elections may be adjourned, from day to day, until the same shall be completed. And the order of election shall be as follows: the vacancies in the senate, if any, shall first be filled up; the governor and lieutenant-governor shall then be elected, provided there shall be no choice of them by the people; and afterwards the two houses shall proceed to the election of the council.

CHAP. II. SEC. IV.—*Secretary, Treasurer, Commissary, &c.*

Art. I. The secretary, treasurer, and receiver-general, and the commissary-general, notaries public, and naval officers, shall be chosen annually, by joint ballot of the senators and representatives in one room; and that the citizens of this commonwealth may be assured from time to time, that the monies, remaining in the public treasury, upon the settlement and liquidation of the public accounts, are their property, no man shall be eligible as treasurer and receiver-general, more than five years successively.

II. The records of the commonwealth shall be kept in the office of the secretary, who may appoint his deputies, for whose conduct he shall be accountable: and he shall attend the governor and council, the senate and house of representatives in person, or by his deputies, as they shall respectively require.

CHAP. III.—JUDICIARY POWER.

Art. I. The tenure, that all commission officers, shall by law have in their offices, shall be expressed in their respective commissions, all judicial officers, duly appointed, commissioned and sworn, shall hold their offices during good behavior, excepting such concerning whom there is different provision made in this constitution; provided nevertheless, the governor, with consent of the council, may remove them upon the address of both houses of the legislature.

II. Each branch of the legislature, as well as the governor and council, shall have authority, to require the opinions of the justices of the supreme judicial court, upon important questions of law, and upon solemn occasions.

III. In order that the people may not suffer from the long continuance in place, of any justice of the peace, who shall fail of discharging the important duties of his office with ability or fidelity, all commissions of justices of the peace shall expire and become void, in the term of seven years from their respective dates; and upon the expiration of any commission, the same may, if necessary, be renewed, or another person appointed, as shall most conduce to the well-being of the commonwealth.

IV. The judges of probates of wills, and for granting letters of administration, shall hold their courts at such place or places on fixed days, as the convenience of the people shall require. And the legislature shall, from time to time, hereafter appoint such times and places; until which appointments, the said courts shall be holden at the times and places, which the respective judges shall direct.

V. All causes of marriage, divorce, and alimony, and all appeals from the judges of probate, shall be heard and determined by the governor and council, until the legislature shall, by law, make other provision.

CHAP. IV.—DELEGATES TO CONGRESS.

The delegates of this commonwealth to the congress of the U. States, shall, sometime in the month of June annually, be elected by joint ballot of the senate and house of representatives, assembled together in one room; to serve in congress for one year, to commence on the first Monday in November then next ensuing. They shall have commissions, under the hand of the governor, and the great seal of the commonwealth; but may be recalled at any time within the year, and others chosen and commissioned in the same manner, in their stead.

CHAP. V.—*The University at Cambridge, and encouragement of Literature, &c.*

SECT. I.—THE UNIVERSITY.

Art. I. Whereas our wise and pious ancestors, so early as the year one thousand six hundred and thirty-six, laid the foundation of Harvard College; in which university many persons of great eminence, have, by the blessing of God, been initiated in those arts and sciences, which qualified them for public employments, both in church and state: and whereas the encouragement of arts and sciences, and all good literature, tends to the honor of God, the advantage of the christian religion, and the great benefit of this

and the other United States of America; it is declared, that the president and fellows of Harvard College, in their corporate capacity, and their successors in that capacity, their officers and servants, shall have, hold, use, exercise and enjoy all the powers, authorities, rights, liberties, privileges, immunities and franchises, which they now have, or are entitled to have, hold, use, exercise and enjoy: and the same are hereby ratified and confirmed unto them, the said president and fellows of Harvard College, and to their successors, and to their officers and servants, respectively, forever.

II. And whereas there have been, at sundry times, by divers persons, gifts, grants, devises of houses, lands, tenements, goods, chattles, legacies and conveyances, heretofore made, either to Harvard College, in Cambridge, in New-England, or to the president and fellows of Harvard College, or to the said College, by some other description, under several charges successively—it is declared, that all the said gifts, grants, devises, legacies, and conveyances, are hereby forever confirmed, unto the president and fellows of Harvard College, and to their successors in the capacity aforesaid, according to the true intent and meaning of the donor or donors, grantor or grantors, devisor or devisors.

III. And whereas, by an act of the general court of the colony of Massachusetts-Bay, passed in the year one thousand six hundred and forty-two, the governor and deputy governor, for the time being, and all the magistrates of that jurisdiction, were, with the president, and a number of the clergy in the said act described, constituted the overseers of Harvard College—and it being necessary, in this new constitution of government, to ascertain, who shall be deemed successors to the said governor, deputy governor, and magistrates—it is declared, that the governor, lieutenant governor, council and senate of this commonwealth, are, and shall be deemed their successors; who, with the president of Harvard College, for the time being, together with the ministers of the congregational churches, in the towns of Cambridge, Watertown, Charlestown, Boston, Roxbury, and Dorchester, mentioned in the said act, shall be, and hereby are, vested with all the powers and authority belonging, or in any way appertaining, to the overseers of Harvard College: provided, that nothing herein shall be construed to prevent the legislature of this commonwealth, from making such alterations in the government of the said university, as shall be conducive to its advantage, and the interest of the republic of letters, in as full a manner, as might have been done by the legislature of the late province of the Massachusetts-Bay.

CHAP. V.—SECT. II.

The encouragement of literature.

Wisdom and knowledge, as well as virtue, diffused generally among the body of the people, being necessary for the preservation of their rights and liberties: and as these depend on spreading the opportunities and advantages of education, in the various parts of the country, and among the different orders of the people, it shall be the duty of the legislatures and magistrates, in all future periods of this commonwealth, to cherish the interest of literature and the sciences, and all seminaries of them; especially the university at Cambridge, public schools and grammar schools in the towns; to encourage private societies and public institutions, by rewards and immunities, for the promotion of agriculture, arts, sciences, commerce, trades, manufactures, and a natural history of the country; to countenance and inculcate the principles of humanity and general benevolence, public and private charity, industry and frugality, honesty and punctuality in their dealings; sincerity, good humor, and all social affections and generous sentiments among the people.

CHAP. VI.

Oaths and subscriptions; incompatibility of and exclusions from offices; pecuniary qualifications; commissions; writs; confirmation of laws; habeas corpus; the enacting stile; continuance of officers; provision for a future revisal of the constitution, &c.

Art. I. Any person, chosen governor, or lieutenant governor, counsellor, senator, or representative, and accepting the trust, shall, before he proceed to execute the duties of his place or office, take, make and subscribe the following declaration, viz:

"I, A. B. do declare, that I believe the christian religion, and have a firm persuasion of its truth; and that I am seized and possessed, in my own right, of the property, required by the constitution, as one qualification for the office or place to which I am elected."

And the governor, lieutenant governor, and counsellors, shall make and subscribe the said declaration, in the presence of the two houses of assembly; and the senators and representatives first elected under this constitution, before the president and five of the council of the former constitution; and, forever afterwards, before the governor and council for the time being.

And every person, chosen to either of the places or offices aforesaid, as also any person, appointed or commissioned to any judicial, executive, military, or other office under the government, shall, before he enter on the discharge of the business of his place or office, take and subscribe the following declaration, and oaths or affirmations, viz:

"I, A. B. do truly and sincerely acknowledge, profess, testify, and declare, that the commonwealth of Massachusetts is, and of right ought to be, a free, sovereign and independent state; and I do swear, that I will bear true faith and allegiance to the said commonwealth, and that I will defend the same against traitorous conspiracies, and all hostile attempts whatsoever: and that I do renounce and abjure all allegiance, subjection and obedience, to the king, *queen or government* of Great Britain, *as the case may be*, and every other foreign power whatsoever. And that no foreign prince, person, prelate, state or potentate, hath, or ought to have, any jurisdiction, superiority, pre-eminence, authority, dispensing, or other power, in any matter, civil, ecclesiastical, or spiritual, within this commonwealth; except the authority and power, which is or may be vested, by their constituents, in the congress of the United States: and I do further testify and declare, that no man or body of men, hath or can have any right to absolve or discharge me from the obligation of this oath, declaration or affirmation; and that I do make this acknowledgement, profession, testimony, declaration denial, renunciation and abjuration, heartily and truly, according to the common meaning and acceptation of the foregoing words, without any equivocation, mental evasion, or secret reservation whatsoever. So help me God."

"I, A. B. do solemnly swear and affirm, that I will faithfully and impartially discharge and perform all the duties incumbent on me as according to the best of my abilities and understanding, agreeably to the rules and regulations of the constitution, and the laws of this commonwealth. So help me God."

Provided always, that when any person chosen or appointed as aforesaid, shall be of the denomination of the people called Quakers, and shall decline taking the said oaths, he shall make his affirmation in the foregoing form, and subscribe the same, omitting the words, '*I do swear*,' "*and abjure*," '*oath*,' '*and abjuration*,' in the first oath; and in the second oath the words, '*swear and*;' and in each of them the words '*So help me God*;' subjoining in stead thereof, '*This I do under the pains and penalties of perjury*.'

And the said oaths or affirmations shall be taken and subscribed by the governor, lieutenant-governor, and counsellors, before the president of the senate, in the presence of the two houses of assembly; and by the senators and representatives first elected under this constitution, before the president and five of the council, of the former constitution; and, forever afterwards, before the governor and council for the time being; and by the residue of the officers aforesaid, before such persons, as from time to time shall be prescribed by the legislature.

II. No governor, lieutenant-governor, or judge of the supreme judicial court, shall hold any other office or place under the authority of this commonwealth, except such as by this constitution they are admitted to hold, saving that the judges of the said court may hold the offices of justices of the peace throughout the state; nor shall they hold any other place or office, or receive any pension or salary, from any other state or government, or power, whatever.

No person shall be capable of holding or exercising, at the same time, more than one of the following offices within this state, viz. Judge of probate, sheriff, register of probate, or register of deeds: and never more than any two offices, which are to be held by appointment of the governor, or the governor and council, or the senate, or the house of representatives, or by the election of the people of the state at large, or of the people of any county, (military officer and the office of justice of the peace excepted) shall be held by one person.

No person, holding the office of judge of the supreme judicial court, secretary, attorney-general, solicitor-general, treasurer or receiver-general, judge of probate, commissary-general; president, professor, or instructor of Harvard College; sheriff, clerk of the house of representatives, register of probate, register of deeds, clerk of the supreme judicial court, clerk of the inferior court of common pleas, or officer of the customs, (including in this description naval officers) shall at the same time have a seat in the senate or house of representatives; but their being chosen or appointed to, and accepting the same, shall operate as a resignation of their seat in the senate or house of representatives: and the place so vacated shall be filled up.

And the same rule shall take place in case any judge of the said supreme judicial court, or judge of probate, shall accept a seat in council; or any counsellor shall accept of either of those offices or places.

And no person shall ever be admitted to hold a seat in the legislature, or any office of trust or importance under the government of this commonwealth, who shall, in the due course of law, have been convicted of bribery, or corruption in obtaining an election or appointment.

III. In all cases where sums of money are mentioned in this constitution, the value thereof shall be computed in silver, at six shillings and eight pence per ounce; and it shall be in the power of the legislature, from time to time, to increase such qualifications, as to property, of the persons to be elected into offices, as the circumstances of the commonwealth shall require.

IV. All commissions shall be in the name of the commonwealth of Massachusetts, signed by the governor, and attested by the secretary or his deputy, and have the great seal of the commonwealth affixed thereto.

V. All writs issuing out of the clerk's office, in any of the courts of law, shall be in the name of the commonwealth of Massachusetts; they shall be under the seal of the court from whence they issue; they shall bear test of the first justice of the court, to which they shall be returnable (who is not a party) and be signed by the clerk of such court.

VI. All the laws which have heretofore been adopted, used, and approved of in the province, colony, or state of Massachusetts-Bay, and usually practised on in the courts of law, shall still remain and be in full force, until altered or repealed by the legislature: such parts only excepted as are repugnant to the rights and liberties contained in this constitution.

VII. The privilege and benefit of the writ of habeas corpus shall be enjoyed in this commonwealth in the most free, easy, cheap, expeditious and ample manner; and shall not be suspended by the legislature, except upon the most urgent and pressing occasions, and for a limited time not exceeding twelve months.

VIII. The enacting style, in making and passing all acts, statutes, and laws, shall be, "*Be it enacted by the senate and house of representatives, in general court assembled, and by the authority of the same.*"

IX. To the end there may be no failure of justice, or danger arise to the commonwealth, from a change of the form of government, all officers, civil and military, holding commissions under the government and people of Massachusetts-Bay, in New-England, and all other officers of said government and people, at the time this constitution shall take effect, shall have, hold, use, exercise and enjoy, all the powers and authority to them granted or committed

until other persons shall be appointed in their stead: and all courts of law shall proceed in the execution of the business of their respective departments: and all the executive and legislative officers, bodies, and powers, shall continue in full force in the enjoyment and exercise of all their trusts, employment and authority; until the general court, and the supreme and executive officers, under this constitution, are designated and invested with their respective trusts, powers, and authority.

X. In order the more effectually to adhere to the principles of the constitution, and correct those violations which by any means may be made therein, as well as to form such alterations as from experience shall be found necessary, the general court, which shall be in the year of our Lord one thousand seven hundred and ninety-five, shall issue precepts to the selectmen of the several towns, and to the assessors of the unincorporated plantations, directing them to convene the qualified voters of their respective towns and plantations, for the purpose of collecting their sentiments, on the necessity or expediency of revising the constitution in order to amendments.

And if it shall appear, by the returns made, that two-thirds of the qualified voters throughout the state, who shall assemble and vote in consequence of the said precepts, are in favor of such revision or amendment, the general court shall issue precepts, or direct them to be issued from the secretary's office, to the several towns, to elect delegates to meet in convention, for the purpose aforesaid.

The said delegates to be chosen in the same manner and proportion, as their representatives, in the second branch of the legislature, are by this constitution to be chosen.

XI. This form of government shall be enrolled on parchment and deposited in the secretary's office, and be a part of the laws of the land: and printed copies thereof shall be prefixed to the book containing the laws of this commonwealth, in all future editions of the said laws.

JAMES BOWDOIN, President.

Attest, SAMUEL BARRETT, Secretary.

The Algerine War.

The hostile disposition of the Dey of Algiers towards the United States, has been known here for some time. On this subject we have been obligingly favoured with the following copy of a letter from Mr. Lear to the American consul at Gibraltar. This letter contains a more particular account of the affair, than we have before seen.—*New York paper.*

On board the ship Alleghany,
At sea, July 25, 1812.

SIR—I have the honor to inform you, that on the 17th of this month the ship Alleghany, Ebenezer Evelern, master, arrived at Algiers from the United States, with a cargo of naval and military stores for the regency, in fulfillment of treaty stipulations; and that on the 20th inst. when they had begun to discharge the cargo, I received a message from the Dey, informing me, that he would not receive the same, saying, that the articles were not such in quantity or quality as he expected, and that the ship should leave the regency immediately, with myself and all other American citizens in Algiers. Every proper measure was taken to prevent the execution of this order, and to restore the former good understanding, but without effect, and I left Algiers this morning, in the ship Alleghany with my family and all other citizens of the United States then in Algiers.

This act bears such evident marks of hostility on the part of Algiers towards the United States, that I embrace the first moment to communicate the same to all the consuls of the United States in the Mediterranean, that the same may be made known, without delay, to all commanders of American vessels in this sea, and others concerned that they may be on their guard, and secure themselves and their vessels as effectually as possible against the dangers of capture. I therefore request that you will give this notice to all commanders of American vessels and other citizens of the United States in your district, and forward the same to all ports and places in the sea, with which you may have an opportunity of communicating, and where it is likely any American vessel may be found.

On the 13th inst. a squadron of cruizers sailed from Algiers to the Eastward, consisting of 5 frigates, 3 corvetts, 2 brigs, 1 xebeck, 1 schr. 1 row-galley and 6 gun-boats, and there is reason to apprehend that they had orders to capture American vessels.

I shall proceed to Gibraltar, where I shall probable remain until I can communicate this intelligence to all parts of the Mediterranean, or learn something of the conduct of the Algerines towards our vessels.

I have the honor to be, &c.

(Signed) TOBIAS LEAR.

Mr. Lear arrived in the bay of Gibraltar on the 5th of August.

Gen. Alexander Hamilton.

The following has lately appeared in a Virginia paper.

Mr. DAVIS—During the last session in which Mr. Pickering was a member of the senate, I was permitted to copy, from the original, the following letter. I was desirous of publishing it at the time; but Mr. Pickering observed, that he should probably give it to the public, with other matter he was preparing for the press, the next summer.——— I consider it important that this letter should no longer remain generally unknown: and I presume col. Pickering can now have no objections to its publication.

Your obedient servant,

———.

New-York, Sept. 16, 1803.

MY DEAR SIR,—I will make no apology for my delay in answering your enquiry some time since made, because I could offer none which would satisfy myself—I pray you only to believe that it proceeded from any thing rather than want of respect or regard—I shall now comply with your request.

The highest toned propositions which I made in the convention were for a president, senate and judges, during good behaviour; a house of representatives for three years. Though I would have enlarged the legislative power of the general government, yet I never contemplated the abolition of the state governments; but on the contrary, they were, in some particulars, constituent parts of my plan.

This plan was, in my conception, conformable with the strict theory of a government purely republican; the essential criteria of which are, that the principal organs of the executive and legislative departments, be elected by the people, and hold the the offices by a responsible and temporary or defeasible nature.

A vote was taken on the proposition respecting the executive. Five states were in favor of it; among these Virginia; and though from the manner of voting by delegations, individuals were not distinguished; it was morally certain, from the known situation of the Virginia members (six in number, two of them Mason and Randolph professing popular doctrines) that Madison must have concurred in the vote of Virginia—Thus, if I sinned against republicanism, Mr. Madison is not less guilty.

I may truly then say that I never proposed either a president or senate for life, and that I neither recommended nor meditated the annihilation of the state governments.

And I may add, that in a course of the discussions in the convention, neither the propositions thrown out for debate, nor even those voted in the earlier stages of deliberation, were considered as evidences of a definitive opinion in the proposer or voter. It appeared to be in some sort understood, that, with a view to free investigation, experimental propositions might be made, which were to be received merely as suggestions for consideration. Accordingly it is a fact, that my final opinion was against an executive during good behavior, on account of the

increased danger to the public tranquility incident to the election of a magistrate of his degree of permanency. In the place of a constitution which I drew up while the convention was sitting, and which I communicated to Mr. Madison about the close of it, perhaps a day or two after, the office of president has no longer duration than for three years.

This plan was predicated upon these bases :—— 1. That the political principles of the people of this country would endure nothing but a republican government. 2. That in the actual situation of the country, it was itself right and proper that the republican theory should have a fair and full trial— 3. That, to such a trial it was essential that the government should be so constructed as to give at all the energy and the stability reconcileable with the principles of that theory.——These were the genuine sentiments of my heart, and upon them I then acted.

I sincerely hope that it may not hereafter be discovered, that through want of sufficient attention to the last idea, the experiment of republican government, even in this country, has not been as complete as satisfactory, and as decisive, as could be wished.

Very truly, dear sir,
Your friend and servant,
A. HAMILTON.

Timothy Pickering, Esq.

Lord Castlereagh.

This personage is *distinguished* for his attachment to "illustrious house of Brunswick," and is equally memorable for his crimes and perjuries. The creature has labored to some purpose as the following list of offices will shew, taken from a London paper of January 1809.

1. *Lord Castlereagh.* Secretary of state, £6,000 a year.
2. *Brigadier-gen. Stuart,* (brother of lord Castlereagh) under secretary of state, £ 2,000 a year.
3. Same person.—Gen. upon the Staff; £ 1,500 a year.
4. Same person.—Lieut. col. of a regiment of dragoons, £ 500 a year.
5. *Lord Henry Moore* (a first cousin of lord Castlereagh) joint muster-master general in Ireland, a patent place, £ 2,100 a year.
6. Mr. *John Ormsby Vandeleur* (a first cousin of lord Castlereagh) commissioner of the excise in Ireland, £ 1,200 a year.
7. Messrs. *John Staples* and *Thomas Staples* (first cousins of lord Castlereagh) examinators of the customs in Ireland, £ 918 a year.
8. Lord *Henry Seymour* and lord *Robert Seymour,* (uncles of lord Castlereagh) prothonotary in the court of King's bench in Ireland, £ 12,511 a year.
9. Same persons—Clerk of the crown in the King's bench in Ireland, £ 247 a year.
10. Same persons.—Filazers in the King's bench in Ireland, £ 1,105 a year.
11. Lord *Robert Seymour* (uncle of lord Castlereagh) craner and wharfinger of the port of Dublin, £ 1,930 a year.
12. Lord *George Seymour* (uncle of lord Castlereagh) commissioner of excise in England, £ 1,500 a year.
13. Same person—Harbour master of the port of Christiansted, in the island of St. Croix, about £ 1,000 a year.
14. Same person.—Harbour master of the port of Fredericksted, in St. Croix ; about £ 1,100 a year.
15. Same person.—Naval officer of the port of Christiansted, in St. Croix ; about £ 900 a year.
16. Same person.—Naval officer of the port of Fredericksted, in St. Croix ; about £ 1,000 a year.
17. Lord *George Seymour,* and his son *G. H Seymour,* 11 years old—The reversion of the office of Craner and Wharfinger of the port of Dublin, valued at £ 1,930 a year, and now held, as just stated, by lord Robert Seymour.

Total amount to 11 persons, $168,684 per annum —equal to the salaries of the president, vice-president, secretaries of state, of the treasury, of war and of the navy, the judges of the supreme court and of all the district courts, with the pay of all the foreign ministers, consuls, and agents of the United States, and many thousand dollars to spare ! Comment is needless. *Let those who admire hasten to enjoy.*

The Imperial family of France.

The following list of the Bonaparte family may serve to amuse some of our readers. It is said to be extracted from a French work printed by authority. Lucien Bonaparte is not mentioned. Louis retains the the title of king though he has lost his kingdom [Holland]——Josephine, the repudiated wife of the emperor, also has her title, and is said still to be a great favorite. It is mournful to reflect that France, to purge herself of royalty, has waded through oceans of blood to—*to end in this abomination.*

Napoleon, was born 15th August, 1769 ; Emperor of the French, 18th May, 1804 ; consecrated and crowned at Paris 2d December, in the same year ; crowned king of Italy 26 May, 1805 ; married at Vienna 7th March, 1810 ; at Paris, 5th April following, to

Maria Louisa, Archduchess of Austria, born 12th December, 1792, empress of the French, queen of Italy.

Issue from this marriage :—

Napoleon Francis Charles Joseph, imperial prince, king of Rome, born March 20, 1811.

Joseph Napoleon, brother of the emperor of the French, born 7th Jannary 1768 ; king of the Spains and of the Indies, 6th June, 1808 ; a French prince, grand elector of the empire, married 1st August, 1794, to

Maria Julia, queen of the Spains and of the Indies, 6th June, 1808 ; born 26th Dec. 1772.

Issue from this marriage :—

Charlotte Zenaide Julie, Infante, born 8th July, 1801.

Charlotte, sister of the above ; an Infanta, born 31st October, 1802.

Louis Napoleon, king, brother of the emperor, constable of the empire ; born 2d September, 1778 ; married 2d January, 1802 to

Hortensia Eugenia, queen, born 10th April, 1783.

Issue from this marriage :—

Napoleon Louis, prince royal, born 11th October, 1804, Grand Duke of Berg and of Cleves, 3d March 1809.

Charles Louis Napoleon, brother of the last mentioned, born 20th April, 1808.

Jerome Napoleon, brother of the emperor of the French, born 12th November, 1784 ; a French prince, king of Westphalia 1st December, 1807 ; married 22d August, 1807, to Frederica Catharina Sophia Dorothea, princess royal of Wurtemberg, born 21st February, 1783, queen of Westphalia.

Josephine, born 24th June, 1768, empress queen.

Marie Anne Eliza, sister of the emperor of the French, born 3d January, 1777, grand duchess of Lucca and Piombino, having the government-general of the department of Tuscany, married 5th May, 1797 to Felix, prince of Lucca and Piombino, born 13th May, 1762.

Issue from this marriage :—

Napoleon Eliza, princess of Piombino, born 3d June, 1806.

Marie Pauline, sister of the emperor, born 20th Oct. 1780 ; princess and Duchess of Guastalla, 30th March, 1806 ; maried to his imperial highness the Prince Borghese, duke of Guestalla, governor general of the department beyond the Alps, and in that capacity, a grand dignitary of the French empire.

Marie Annunciade Caroline, sister of the emperor, queen of the two Sicilies ; married to Joachim Napoleon, born the 25th March, 1771 ; grand admiral of the French empire, and king of the two Sicilies, 15th of July, 1808.

Issue from the marriage :—

Napoleon Achille, prince royal, born 20th January, 1801.

Napolean Lucian Charles, his brother, born 16th May, 1803.

Lætitia Joseph, his sister, born 25th April, 1804.

Louisa Julia Caroline, her sister, born 22d March, 1805.

Maria Lætitia, born 24th August 1750, mother of the emperor.

Eugene Napoleon, Viceroy of Italy, prince of Venice, arch-chancellor of state of the empire, hereditary prince of the grand duchy of Frankfort, born 3d September, 1780, married 18th of January 1806, to the princess Augusta Amelia of Bavaria.

Issue from this marriage :—

Augusta Napoleon, prince of Venice, born 8th December, 1810.

Josephine Maximilienne Eugenie, Napoleon, princess of Bologna, born, 14th March 1807.

Hortense Eugenie Napoleon, her sister, born 23d December, 1808.

Twelfth Congress.

Monday last being the time appointed by law for the second sitting of the Twelfth Congress, Mr. *Clay*, the speaker, took the chair in the House of Representatives at 12 o'clock, when it appeared that 88 members were present—

In Senate, only 18 members were present—not a quorum. The next day other members appeared, and the usual committees being appointed to inform the President, that the two houses were ready to receive any communication he had to make—On Wednesday, at 12 o'clock, by his private secretary, Mr. Coles, he delivered the following

MESSAGE.

Fellow-citizens of the Senate
and House of Representatives,

On our present meeting it is my first duty to invite your attention to the Providential favors which our country has experienced, in the unusual degree of health dispensed to its inhabitants, and in the rich abundance with which the earth has rewarded the labors bestowed on it, In the successful cultivation of other branches of industry; and in the progress of general improvement, favorable to the national prosperity, there is just occasion, also, for our mutual congratulations and thankfulness.

With these blessings are necessarily mingled the pressures and vicissitudes incidental to the state of war, into which the United States have been forced by the perseverance of a foreign power, in its system of injustice and aggression.

Previous to its declaration, it was deemed proper, as a measure of precaution and forecast, that a considerable force should be placed in the Michigan territory, with a general view to its security, and in the event of war, to such operations in the uppermost Canada, as would intercept the hostile influence of Great Britain over the savages, obtain the command of the lake on which that part of Canada borders, and maintain co-operating relation with such forces as might be most conveniently employed against other parts.——Brigadier-general Hull was charged with this provisional service ; having under his command a body of troops, composed of regulars, and of volunteers from the state of Ohio. Having reached his destination after his knowledge of the war, and possessing discretionary authority to act offensively, he passed into the neighboring territory of the enemy, with a prospect of easy and victorious progress. The expedition, nevertheless, terminated unfortunately, not only in a retreat to the town and fort of Detroit, but in the surrender of both, and of the gallant corps commanded by that officer. The causes of this painful reverse will be investigated by a military tribunal.

A distinguishing feature in the operations which preceded and followed this adverse event, is the use made by the enemy of the merciless savages under their influence. Whilst the benevolent policy of the United States invariably recommended peace, and promoted civilization among that wretched portion of the human race ; and was making exertions to dissuade them from taking either side in the war, the enemy has not scrupled to call to his aid their ruthless ferocity, armed with the horrors of those instruments of carnage and torture, which are known to spare neither age nor sex. In this outrage against the laws of honorable war, and against the feelings sacred to humanity, the British commanders cannot resort to a plea of retaliation : for it is committed in the face of our example. They cannot mitigate it by calling it a self defence against men in arms : for it embraces the most shocking butcheries of defenceless families. Nor can it be pretended that they are not answerable for the atrocities perpetrated ; since the savages are employed with a knowledge, and even with menaces, that their fury could not be controuled. Such is the spectacle which the deputed authorities of a nation, boasting its religion and morality, have not been restrained from presenting to an enlightened age.

The misfortune at Detroit, was not, however, without a consoling effect.——It was followed by signal proofs that the national spirit rises according to the pressure on it. The loss of an important post and of the brave men surrendered with it, inspired every where, new ardor and determination. In the states and districts least remote, it was no sooner known, than every citizen was ready to fly with his arms, at once to protect his brethren against the blood thirsty savages let loose by the enemy on an extensive frontier, and to convert a partial calamity into a source of invigorated efforts. This patriotic zeal, which it was necessary rather to limit than excite, has embodied an ample force from the states of Kentucky and Ohio, and from parts of Pennsylvania and Virginia. It is placed, with the addition of a few regulars, under the command of brigadier-general Harrison, who possesses the entire confidence of his fellow-soldiers, among whom are citizens, some of them volunteers in the ranks, not less distinguished by their political stations, than by their personal merits. The greater portion of this force is proceeding on its destination towards the Michigan territory,

having succeeded in relieving an important frontier post, and in several incidental operations against hostile tribes of savages, rendered indispensable by the subserviency into which they had been seduced by the enemy; a seduction the more cruel as it could not fail to impose a necessity of precautionary severities, against those who yielded to it.

At a recent date, an attack was made on a post of the enemy near Niagara, by a detachment of the regular and other forces, under the command of major-general Van Rennsselaer, of the militia of the state of New-York. The attack, it appears, was ordered in compliance with the ardor of the troops, who executed it with distinguished gallantry, and were, for a time victorious; but not receiving the expected support, they were compelled to yield to reinforcements of British regulars and savages. Our loss has been considerable and is deeply to be lamented. That of the enemy, less ascertained, will be the more felt, as it includes, amongst the killed, the commanding general, who was also the governor of the province; and was sustained by veteran troops, from unexperienced soldiers, who must daily improve in the duties of the field.

Our expectations of gaining the command of the lakes by the invasion of Canada from Detroit, having been disappointed, measures were instantly taken to provide, on them, a naval force superior to that of the enemy. From the talents and activity of the officer charged with this object, everything that can be done, maybe expected. Should the present season not admit of complete success, the progress made will insure for the next, a naval ascendancy, where it is essential to our permanent peace, and control over, the savages.

Among the incidents to the measures of the war, I am constrained to advert to the refusal of the governors of Massachusetts and Connecticut, to furnish the required detachments of militia towards the defence of the maritime frontier.——The refusal was founded on a novel and unfortunate exposition of the provisions of the constitution, relating to the militia. The correspondences which will be laid before you, contain the requisite information on the subject. It is obvious, that if the authority of the United States to call into service and command the militia for the public defence, can be thus frustrated, even in a state of declared war, and of course under apprehensions of invasion preceding war, they are not one nation for the purpose most of all requiring it; and that the public safety may have no other resource than in those large and permanent military establishments which are forbidden by the principle of our free government, and against the necessity of which the militia were meant to be a constitutional bulwark.

On the coasts, on the ocean, the war has been as successful as circumstances inseparable from its early stages could promise. Our public ships and private cruisers, by their activity, and where there was occasion, by their intrepidity, have made the enemy sensible of the difference between a reciprocity of captures, and the long confinement of them to their side.————Our trade, with little exception, has safely reached our ports; having been much favored in it, by the course pursued by a squadron of our frigates under the command of commodore Rodgers.——And in the instance in which skill and bravery were more particularly tried with those of the enemy, the American flag had an auspicious triumph.——The frigate Constitution, commanded by captain Hull, after a close and short engagement, completely disabled and captured a British frigate; gaining for that officer and all on board, a praise which cannot be too liberally bestowed; not merely for the victory actually achieved, but for that prompt and cool exertion of commanding talents which, giving to courage its highest character, and to the force applied, its full effect, prove that more could have been done, in a contest requiring more.

Anxious to abridge the evils from which a state of war cannot be exempt, I lost no time after it was declared, in conveying to the British government, the terms on which its progress might be arrested, without awaiting the delays of a formal and final pacification. And our charge d'affaires at London, was, at the same time, authorised to agree to an armistice founded upon them. These terms required, that the orders in council should be repealed as they affected the United States, without a revival of blockades violating acknowledged rules; that there should be an immediate discharge of American seamen from British ships, and a stop to impressments from American ships, with an understanding that an exclusion of the seamen of each nation, from the ships of the other, should be stipulated; and that the armistice should be improved into a definitive and comprehensive adjustment of depending controversies. Altho' a repeal of the orders, susceptible of explanations meeting the views of this government, had taken place before this pacific advance had been communicated to that of Great Britain, the advance was declined, from an avowed repugnance to a suspension of the practice of impressment during the armistice, and without any intimation that the arrangement proposed with respect to seamen, would be accepted. Whether the subsequent communications from this government affording an occasion for re-considering the subject, on the part of G. Britain, will be viewed in a more favorable light, or received in a more accommodating spirit, remains to be known. It would be unwise to relax our measures, in any respect, on a presumption of such a result.

The documents from the department of state, which relate to this subject, will give a view also of the propositions for an armistice which have been received here, one of them from the authorities at Halifax and in Canada, the other from the British government itself, through admiral Warren; and of the grounds upon which neither of them could be accepted.

Our affairs with France retain the posture which they held at my last communications to you. Notwithstanding the authorised expectation of an early as well as favorable issue to the discussions on foot; these have been procrastinated to the latest date.—The only intervening occurrence meriting attention, is the promulgation of a French decree, purporting to be a definitive repeal of the Berlin and Milan decrees. This proceeding, altho' made the ground of the repeal of the British orders in council, is rendered, by the time and manner of it, liable to many objections.

The final communications from our special minister to Denmark, afford further proofs of the good effects of his mission, and of the amicable disposition of the Danish government. From Russia we have the satisfaction to receive assurances of continued friendship, and that it will not be affected by the rupture between the U. States and G. Britain. Sweden also professes sentiments favorable to the subsisting harmony.

With the Barbary powers, excepting that of Algiers, our affairs remain on the ordinary footing.—The consul-general residing with that regency, has suddenly, and without cause been banished, together with all the American citizens found there. Whether this was the transitory effect of capricious despotism, or the first act of pre-determined hostility, is not ascertained. Precautions were taken by the consul on the latter supposition.

The Indian tribes, not under foreign instigations, remain at peace, and receive the civilising rttentions, which have proved so beneficial to them.

With a view to that vigorous prosecution of the war, to which our national faculties are adequate, the attention of congress will be particularly drawn to the insufficiency of the existing provisions for filling up the existing establishment. Such is the happy condition of our country, arising from the facility of subsistence and the high wages for every species of occupation, that notwithstanding the augmented inducements provided at the last session, a partial success only has attended the recruiting service. The deficiency has been necessarily supplied during the campaign, by other than regular troops, with all the inconveniencies and expences incident to them. The remedy lies in establishing more favorably for the private soldier the proportion between his recompense and the term of his enlistment. And it is a subject which cannot too soon or too seriously be taken into consideration.

The same insufficiency has been experienced in the provisions for volunteers made by an act of the last session. The recompense for the service required in this case, is still less attractive than in the other. And altho' patriotism alone has sent into the field some valuable corps of that description, those alone who can afford the sacrifice can reasonably be expected to yield to that impulse.

It will merit consideration also, whether, as auxiliary to the security of our frontier, corps may not be advantageously organized, with a restriction of their services to particular districts convenient to them. And whether the local and occasional services of mariners and others in the seaport towns, under a similar organization, would not be a provident addition to the means of their defence.

I recommend a provision for an increase of the general officers of the army, the deficiency of which has been illustrated by the number and distance of separate commands, which the course of the war and the advantage of the service have required.

And I cannot press too strongly on the earliest attention of the legislature, the importance of the staff establishment; with a view to render more distinct and definite the relations and responsibilities of its several departments. That there is room for improvements which will materially promote both economy and success, in what appertains to the army and the war, is equally inculcated by the examples of other countries, and by the experience of our own.

A revision of the militia laws for the purpose of rendering them more systematic, and better adapting them to emergencies of the war, is at this time particularly desirable.

Of the additional ships authorised to be fitted for service, two will be shortly ready to sail; a third is under repair, and delay will be avoided in the repair of the residue. Of the appropriations for the purchase of materials for ship building, the greater part has been applied to that object, and the purchases will be continued with the balance.

The enterprising spirit which has characterized our naval force, and its success both in restraining insults and depredations on our coasts, and in reprisals on the enemy, will not fail to recommend an enlargement of it.

There being reason to believe that the act prohibiting the acceptance of British licences, is not a sufficient guard against the use of them for purposes favorable to the interests and views of the enemy; further provisions on that subject are highly important. Nor is it less so, that penal enactments should be provided for cases of corrupt and perfidious intercourse of the enemy not amounting to treason, nor yet embraced by any statutory provisions.

A considerable number of American vessels, which were in England when the revocation of the orders in council took place, were laden with British manufactures, under an erroneous impression that the non-importation act would immediately cease to operate, and have arrived in the United States. It did not appear proper to exercise, on unforseen cases of such magnitude, the ordinary powers vested in the treasury department to mitigate forfeitures, without previously affording to congress an opportunity of making on the subject such provision as they may think proper. In their decision they will doubtless equally consult what is due to equitable considerations and to the public interest.

The receipts into the treasury, during the year ending on the 30th of September last, have exceeded sixteen millions and a half of dollars: which have been sufficient to defray all the demands of the treasury to that day, including a necessary reimbursement of near three millions of the principal of the public debt. In these receipts is included a sum of near $5,850,000, received on account of the loans authorised by the acts of last session: the whole sum actually obtained on loan amounts to eleven millions of dollars, the residue of which, being receivable subsequent to the 30th September last, will, together with the current revenue, enable us to defray all the expenses of this year.

The duties on the late unexpected importations of British manufactures, will render the revenue of the ensuing year more productive than could have been anticipated.

The situation of our country, fellow citizens, is not without its difficulties; though it abounds in animating considerations, of which the view here presented of our pecuniary resources is an example. With more than one nation, we have serious and unsettled controversies; and with one, powerful in the means and habits of war, we are at war.——— The spirit and strength of this nation are nevertheless equal to the support of all its rights, and to carry it through all its trials. They can be met in that confidence. Above all, we have the inestimable consolation of knowing, that the war in which we are actually engaged is a war neither of ambition nor of vain glory; that it is waged, not in violation of the rights of others, but in the maintenance of our own; that it was preceded by a patience without example, under wrongs accumulating without end; and that it was finally not declared until every hope of averting it was extinguished, by the transfer of the British sceptre into new hands clinging to former councils; and until declarations were reiterated to the last hour, through the British envoy here, that the hostile edicts against our commercial rights and our maritime independence would not be revoked; nay, that they could not be revoked, without violating the obligations of Great Britain to other powers, as well as to her own interests. To have shrunk, under such circumstances, from manly resistance, would have been a degradation blasting our best and proudest hopes: it would have struck us from the high rank, where the virtuous struggles of our fathers had placed us, and have betrayed the magnificent legacy which we hold in trust for future generations. It would have acknowledged, that on the element, which forms three-fourths of the globe we inhabit, and where all independent nations have equal and common rights, the American people were not an independent people, but colonists and vassals. It was at this moment, and with such an alternative, that war was chosen. The nation felt the necessity of it, and called for it. The appeal was according-

ly made, in a just cause, to the just and all-powerful Being who holds in his hand the chain of events and the destiny of nations. It remains only, that, faithful to ourselves, entangled in no connections with the views of other powers, and ever ready to accept peace from the hand of justice, we prosecute the war with united counsels and with the ample faculties of the nation, until peace be so obtained, and as the only means, under the divine blessing of speedily obtaining it. JAMES MADISON.

November 4, 1812.

PUBLIC DOCUMENTS.

☞ We have neither time nor room to insert in this number, more of the documents accompanying the President's Message, than the late correspondence with admiral *Warren*. We regret this necessity the less, as the whole substance of these papers may be gathered from the message itself, a very luminous and truly American article; to which we refer our readers with much satisfaction. But all the documents, as usual, shall promptly appear, in due order.

CORRESPONDENCE BETWEEN SIR J. B. WARREN AND THE SECRETARY OF STATE.

Halifax, Nova Scotia. Sept. 30.

SIR—The departure of Mr. Foster from America, has devolved upon me the charge of making known to you, for the information of the government of the United States, the sentiments entertained by his royal highness the prince regent, upon the existing relations of the two countries.

You will observe, from the enclosed copy of an order in council, bearing date the 23d of June, 1812, that the orders in council of the 7th of January, 1807, and the 26th of April, 1809, ceased to exist nearly at the same time that the government of the U. States declared war against his majesty.

Immediately on the receipt of this declaration in London, the order in council, of which a copy is herewith enclosed to you, was issued on the 31st day of July, for the embargo and detention of all American ships.

Under these circumstances, I am commanded to propose to your government the immediate cessation of hostilities between the two countries, and I shall be most happy to be the instrument of bringing about a reconciliation, so interesting and beneficial to America and Great Britain.

I therefore propose to you, that the government of the U. States of America shall instantly recall their letters of marque and reprisal against British ships, together with all orders and instructions for any acts of hostility whatever against the territories of his majesty or the persons or property of his subjects; with the understanding, that, immediately on my receiving from you an official assurance to that effect, I shall instruct all the officers under my command to desist from corresponding measures of war, against the ships and property of the U. States, and that I shall transmit without delay, corresponding intelligence to the several parts of the world where hostilities may have commenced. The British commanders in which, will be required to discontinue hostilities from the receipt of such notice.

Should the American government accede to the above proposal for terminating hostilities, I am authorised to arrange with you as to the revocation of the laws which interdict the commerce and ships of war of Great Britain from the harbors and waters of the U. States; in the default of which revocation within such reasonable periods as may be agreed upon, you will observe by the order of the 23d June, the orders in council of January, 1807, and April, 1809, are to be revived.

The officer who conveys this letter to the American coast has received my orders to put to sea immediately upon the delivering of this dispatch to the competent authority; and I earnestly recommend that no time may be lost in communicating to me the decision of your government, persuaded as I feel that it cannot but be of a nature to lead to a speedy termination of the present differences.

The flag of truce which you may charge with your reply will find one of my cruisers at Sandy Hook, ten days after the landing of this dispatch, which I have directed to call there with a flag of truce for that purpose.

I have the honor to be, with the highest consideration, sir, your most obedient and most faithful humble servant,

JOHN BORLASE WARREN,
Admiral of the Blue, and commander in chief, &c. &c. &c.

MR. MONROE TO SIR J. B. WARREN.

Department of state, Oct. 27, 1812.

SIR—I have had the honor to receive your letter of the 30th ult. and to submit it to the consideration of the President.

It appears that you are authorised to propose a cessation of hostilities between the U. States and Great Britain, on the ground of the repeal of the orders in council, and in case the proposition is acceded to, to take measures in concert with this government, to carry it into complete effect on both sides.

You state, also, that you have it in charge, in that event, to enter into an arrangement with the government of the U. States for the repeal of the laws which interdict the ships of war and the commerce of Great Britain from the harbors and waters of the U. States. And you intimate, that if the proposition is not acceded to, the orders in council (repealed conditionally by that of the 23d of June last) will be revived against the commerce of the U. States.

I am instructed to inform you, that it will be very satisfactory to the President to meet the British government in such arrangements as may terminate without delay the hostilities which now exist between the U. States and Great Britain, on conditions honorable to both nations.

At the moment of the declaration of war, the President gave a signal proof of the attachment of the United States to peace. Instructions were given at that early period to the late charge des affaires of the U. States at London, to propose to the British government an armistice on conditions which it was presumed would have been satisfactory. It has been seen with regret that the propositions made by Mr. Monroe, particularly in regard to the important interest of impressment, was rejected, and that none was offered through that channel, as a basis on which hostilities might cease.

As your government has authorised you to propose a cessation of hostilities, and is doubtless aware of the important and salutary effect which a satisfactory adjustment of this difference cannot fail to have on the future relations between the two countries, I indulge the hope that it has, ere this, given you full power for the purpose. Experience has sufficently evinced that no peace can be durable unless this object is provided for. It is presumed, therefore, that it is equally the interest of both countries to adjust it at this time.

Without further discussing questions of right, the President is desirous to provide a remedy for the evils complained of on both sides. The claim of the British government is to take from the merchant vessels of other countries British subjects. In the practice, the commanders of British ships of war often take from the merchant vessels of the U. States, American citizens. If the United States prohibit the employment of British subjects in their service, and inforce the prohibition of suitable regulations and penalties the motive for the practice is taken away. It is in this mode that the President is willing to accommodate this important controversy with the British government, and it cannot be conceived on what ground the arrangement can be refused.

A suspension of the practice of impressment, pending the armistice, seems to be a necessary consequence. It cannot be presumed, while the parties are engaged in a negociation to adjust amicably this important difference, that the United States would admit the right or acquiesce in the practice of the opposite party; or that Great Britain would be unwilling to restrain her cruizers from a practice which would have the strongest tendency to defeat the negociation. It is presumable that both parties would enter into the negociation with a sincere desire to give it effect. For this purpose it is necessary that a clear and distinct understanding be first obtained between them, of the accommodation which each is prepared to make. If the British government is willing to suspend the practice of impressment from American vessels, on consideration that the United States will exclude British seamen from their service, the regulations by which this compromise should be carried into effect would be solely the object of negociation. The armistice would be of short duration. If the parties agreed, peace would be the result. If the negociation failed, each would be restored to its former state, and to all its pretensions, by recurring to war.

Lord Castlereagh, in his note to Mr. Russell, seems to have supposed, that, had the British government accepted the propositions made to it, G. Britain would have suspended immediately the exercise of a right, on the mere assurance of this government that a law would be afterwards passed to prohibit the employment of British seamen in the service of the United States, and that Great Britain would have no agency in the regulation to give effect to that proposition. Such an idea was not in the contemplation of this government, nor is to be reasonably inferred from Mr Russell's note; lest, however, by possibility such an inference might be drawn from the instructions to Mr. R. and anxious that there should be no misunderstanding in the case, subsequent instructions were given to Mr. R. with a view to obviate every objection of the kind alluded to. As they bear date on the 27th July, and were forwarded by the British packet Althea, it is more than probable that they may have been received and acted on.

I am happy to explain to you thus fully the views of my government on this important subject. The president desires that the war which exists between our countries should be terminated on such conditions as may secure a solid and durable peace. To accomplish this great object it is necessary that the interest of impressment be satisfactorily arranged. He is willing that Great Britain should be secured against the evils of which she complains. He seeks on the other hand that the citizens of the United States should be protected against a practice which, while it degrades the nation, deprives them of their rights as freemen, takes them by force from their families and their country into a foreign service, to fight the battles of a foreign power, perhaps against their own kindred and country.

I abstain from entering, in this communication, into other grounds of difference. The orders in council having been repealed, (with a reservation not impairing a corresponding right on the part of the United States) and no illegal blockades revived or instituted in their stead, and an understanding being obtained on the subject of impressment, in the mode herein proposed, the president is willing to agree to a cessation of hostilities, with a view to arrange by treaty, in a more distinct and ample manner, and to the satisfaction of both parties, every other subject of controversy.

I will only add that if there be no objection to an accommodation of the difference relating to impressment, in the mode proposed, other than the suspension of the British claim to impressment during the armistice, there can be none to proceeding, without the armistice, to an immediate discussion and arrangement of an article on that subject. This great question being satisfactorily adjusted, the way will be open either for an armistice or any other course leading most conveniently and expeditiously to a general pacification. I have the honor, &c. JAMES MONROE.

General Assembly of Vermont.

October 13, 1812.

We the representatives of the people of Vermont believing, that in times like those in which we now live, it is both proper and necessary that our sentiments should be known, not only to our constituents, but to our sister states, and to the general government, do hereby adopt the following resolution.

Resolved, that the constituted authorities of our country having declared war between the U. States and Great Britain, and her dependencies, it is our duty as citizens to support the measure; otherwise we should identify ourselves with the enemy, with no other distinction than that of locality. We therefore, pledge ourselves to each other, and to our government, that, with our individual exertions, our examples and influence, we will support our government and country in the present contest, and rely on the great Arbiter of events for a favorable result.

Events of the War.

MILITARY.

It is worthy of remark and *remembrance*, that in 36 hours after the receipt of the news of Hull's surrender at Detroit, 350 men, equipped for war, actually *marched* from Burgett's Town, Pa. for the frontiers.

Many pieces of cannon have been sent from the neighborhood of Pittsburg for the north western army. In every preparation and arrangement we discover an invariable intention to do the business effectually. *Harrison's* measures will, at all times, secure him a communication with Ohio, in case the enemy force brought against him is powerful enough to resist him, or to attempt to cut off his supplies. Of which, however, there does not appear any probability. But "caution is the parent of security." We look for a very interesting detail from the general.

Major gen. Van Rensselaer, of the New York militia, has resigned his command at Lewistown—he is succeeded by brig. gen. Smyth, of the regulars.

The 10th U. S. regiment, recruited chiefly in North Carolina, and the adjacent parts of Virginia, commanded by col. James Wellborn, has rendezvoused at Salisbury, and is nearly complete.

The British loss in the engagement at Queenstown, is yet unknown. It is thought, however, in killed and wounded, to have been much greater than ours.

Some of our troops in recrossing the river after the battle of Queenstown brought with them an Indian chief as a *prisoner*. It is said the British government have offered a major in the militia in exchange for their *dear ally*.

We have the British official account of the battle at Queenstown, and would insert it, if it were not destitute of particulars. Eleven-twelfths of it consists of encomiums on the officers and troops engaged—it claims 900 prisoners, 1 six pounder and a stand of colors, taken; but says nothing of the loss of the enemy save in the death of gen. Brock.

By some firings of red-hot shot across the river Niagara, several houses, in the [British] village of Newark, were set on fire and consumed.

The British appear to treat our men, prisoners in Canada, as we treat theirs—in a very liberal and honorable manner.

Several little rencountres have taken place on the lakes of no great importance, and demanding too much room for record.

A letter to the editor, dated Beaver, (Pa.) Oct. 25, says—"Gen. Crooks, with 2000 men, militia and volunteers, with *thirty-six* pieces of cannon, chiefly long 18 pounders, have marched to join Harrison—the Virginia troops are at Mansfield, Ohio."

A good deal of our military scraps is frequently collected and made up from private resources. While no labor is spared to give *present* interest to this section of the REGISTER, we endeavor to compress the matter into as small a compass as is compatible with a faithful history of the war, on which the *future* reader will look with delight. But I am induced to give an entire extract of a letter I have had the honor to receive from Capt. *James B. Wilkinson*, of the 2d U. S. Infantry, dated at Fort Stoddert, M. T. on the 14th ult. as affording much light on the affairs of that country. ☞ While introducing this matter, the editor would respectfully observe, that if his correspondents and friends in various parts of the union, were thus particular in their communications, the stock of public information might be exceedingly augmented.

"Your solicitude, no doubt, is awakened, with regard to the *Southern* as well as the Northern frontier of the United States. *Here*, our citizens are alive with apprehension, as to those events which burthen the womb of futurity. The *ally* of Britain is our near neighbor. She admits into her ports, the property captured from our brethren. She becomes a medium of intelligence to the enemy cruising on our coast, and *professes friendship*, but is evidently making every preparation for war. Already has nearly three hundred *Negro* troops arrived from the Havanna; part of whom, within a few days past, reached Fort Conde at the *town of Mobile*, which, by an act of congress of the 14th May last, was declared to be within the territory of Mississippi, subject to the laws of the United States and the benefit of its institutions.

"The passage from Orleans to this, even for coasting vessels from the *Bayou St. John's*, through Lake Pontchartrain, is rendered extremely dangerous. Considerable supplies of military stores, particularly cannon, have been on the way, more than a month, and have not yet arrived, although the voyage is frequently performed in 5 and 6 days. A small schooner was taken a few days since by a British armed boat, which lay concealed near one of the numerous islands which line the coast.

"The Spaniards appear elated with the new constitution of the Cortez, and have even elected *deputies* under it, at *our town of Mobile*, to choose members for the provincial assembly at the Havanna—the American inhabitants are in the most awful situation, and their persons and property, are subject to the despotic control of a petty Spanish commandant. When they saw the act of congress annexing the country west of the *Perdido* and southward of the *old line* of demarkation, to the Mississippi territory—and the proclamation of governor Holmes, including them within the county of Mobile, and extending to them the privileges of our blessed constitution, they began to feel like *freemen*, and to believe and act as if they were Americans, indeed; but, how sadly have they been disappointed! how lamentable has been the change within a few days! The judge of this district was applied to for a writ of habeas corpus, in behalf of a prisoner confined within the walls of the Spanish fort, at *our town of Mobile*.—He hastened down and had the writ regularly served on the *commandant*, who refused to deliver up the prisoner, and referred the judge to the *governor at Pensacola*, for an answer; and possibly, before this time, the prisoner has been shipped off for the decision of the governor.

"Nothing indeed can be more perplexing than the situation of a civil magistrate in this country—he is told by congress, that American laws are to extend from *Pearl river to the Perdido*: he is bound to act as an American magistrate; but when he attempts to exercise the power vested in him by law—he is referred to the fiat of a foreign governor, stationed without our limits, by a little tyrant, executing with a rod of iron, the laws of Spain within our acknowledged jurisdiction.

"All those evils would have been happily arrested, had the senate of the United States, but concurred in taking possession of the Floridas—it will now require the loss of much blood to conquer even our *own town of Mobile*. General Wilkinson, I believe, is in momentary expectation of orders in relation to the Floridas—and every preparation is made to act at a minute's warning."

Extract of a letter from Captain Heald, late commandant at fort Chicago, dated at Pittsburg, October 23, 1812.

"On the 9th of August, I received orders from general Hull to evacuate the post, and proceed with my command to Detroit by land, leaving it at my discretion to dispose of the public property as I thought proper. The neighboring Indians got the information as early as I did, and came in from all quarters in order to receive the goods in the factory store, which they understood were to be given them. On the 13th, captain Wells, of Fort Wayne, arrived with about 30 Miamies, for the purpose of escorting us in, by the request of general Hull. On the 14th, I delivered the Indians all the goods in the factory store and a considerable quantity of provisions which we could not take away with us. The surplus arms and ammunition I thought proper to destroy, fearing they would make bad use of it, if put in their possession. I also destroyed all the liquor on hand, soon after they began to collect. The collection was unusually large for that place, but they conducted with the strictest propriety, till after I left the fort. On the 15th, at 9 A. M. we commenced our march; a part of the Miamies were detached in front, the remainder in our rear as guards, under the direction of captain Wells. The situation of the country rendered it necessary for us to take the beach, with the lake on our left, and a high sand bank on our right, at about 100 yards distance. We had proceeded about a mile and an half, when it was discovered the Indians were prepared to attack us from behind the bank.—I immediately marched up with the company to the top of the bank; when the action commenced; after firing one round, we charged, and the Indians gave way in front and joined those on our flanks. In about 15 minutes, they got possession of all our horses, provision and baggage of every description, and, finding the Miamies did not assist us, I drew off the few men I had left, and took possession of a small elevation in the open prairie out of shot of the bank or any other cover. The Indians did not follow me, but assembled in a body on the top of the bank, and, after some consultation among themselves, made signs for me to approach them. I advanced towards them alone, and was met by one of the Potawatamie chiefs called the Black-bird, with an interpreter. After shaking hands, he requested me to surrender, promising to spare the lives of all the prisoners. On a few moments consideration, I concluded it would be most prudent to comply with his request, although I did not put entire confidence in his promise. After delivering up our arms, we were taken back to their encampment near the fort, and distributed among the different tribes. The next morning they set fire to the fort, and left the place, taking the prisoners with them. Their number of warriors was between four and five hundred, mostly of Potawatamie nation, and their loss, from the best information I could get, was about 15. Our strength, was 54 regulars and 12 militia, out of which 26 regulars and all the militia were killed in the action, with two women and 12 children. Ensign George Ronan and Doctor Isaac V. Van Voorhis, of my company, with captain Wells, of fort Wayne, are, to my great sorrow, numbered among the dead. Lieutenant Lina T. Helm, with 25 non-commissioned officers and privates, and 11 women and children, were prisoners, when we separated. Mrs. Heald and myself were taken to the mouth of the river St. Joseph, and being both badly wounded, were permitted to reside with Mr. Burnet, an Indian trader. In a few days after our arrival there, the Indians all went off to take fort Wayne, and in their absence I engaged a Frenchman to take us to Michilimackinac, by water, where I gave myself up as a prisoner of war, with one of my serjeants. The commanding officer, captain Roberts, offered me every assistance in his power to render our situation comfortable while we remained there, and to enable us to proceed on our journey. To him, I gave my parole of honor, and reported myself to colonel Proctor, who gave us a passage to Buffaloe; from that place I came by the way of Presque Isle and arrived here yesterday.

Extract of a letter from Benjamin Hawkins, Esq. Agent of the United States in the Creek nation of Indians, dated "Creek Agency, 13th October.

"The chiefs of some of our larger towns of the Lower Creeks, have been recently with me on affairs of their own. They say they are unanimously determined to preserve the friendship of the United States; that if the British should make an offer of arms, they will endeavor to restrain their young men from accepting of them; or, if they should accept them, from using them against their friends the United States—that they depended for safety, not on arms and ammunition, but on the friendship of the president; that they are surrounded and have no back country to fly to, and if they had, they would not change their present situation for any prospects founded on uncertainty. The annual meeting of the nation will be on the 22d.——Travelling appears to be quite safe. We have had no complaints on the road of improper conduct from Indians, since the execution of the murderers."

PLATTSBURG, Oct. 3.—A gentleman from Quebec, has furnished us with the following list of the American officers, who are detained as prisoners of war. He was at their quarters, at Charlabo, (about six miles from the city) on the 10th inst. They gave him their names and former places of residence, with a request to have them published for the information of their friends.

Joel Cook, capt. 4th Inf. N. Haven, Con.; R. B. Brown, Windsor, Vt.; O. G. Burton, Windsor, Vt.

Eben Way, lieut. 4th regt. infantry, N. London, Conn.; Abraham Hawkins, NHaven, Conn.; John Smith, Salisbury, N. H.; Lewis Peckham, Newport, R. I.; G. P. Peters, Wentworth, N. H.; Winthrop D Ager, Warren, N. H.; Dixon Stansbury, 1st infantry, Baltimore; James Dallibo, 1st regt. artillery, Utica, New York.

Robert M'Labe, ensign 1st infantry, Russelville, Kentucky; John Whistler, 17th infantry, Detroit; Asher Philips, do. Maidenhead, N. J.

The officers were all in good health and spirits, except capt. Brown, who was in a declining state of health, though not confined to his bed. The soldiers lay off Quebec in a transport—some of them have died since their arrival there.

The officers are not permitted to go into the city.

ALBANY, Oct. 26.

Military line of expresses.—Capt. Morgan's company of light dragoons are to be employed on this service, each dragoon to be stationed at the distance of about 10 miles from each other, and to extend from the head-quarters, at Greenbush, to Niagara; 24 hours is the time calculated to be taken up in transmitting dispatches from one post to the other—the distance about 320 miles. Gen. Dearborn's last dispatches for gen. Van Rensselaer, were sent by this line.

NEW-HAVEN, Oct. 27.

Connecticut Legislature.—During a part of the last week the assembly were engaged on the details of a bill, which grew out of a resolve passed at the special session of August, for organizing a state corps of about 2,600 troops. These troops are to be paid, when in actual service, by the state, and to be subject to the orders of the captain-general only. They are particularly designed for the protection of our maritime frontier, left defenceless by the general government's having withdrawn all its effective force for the conquest of Canada. The bill, as reported by the committee, gave rise to an animated debate in the house, and underwent several amendments; but on the final passage (by yeas and nays) obtained a vote of great unanimity, there being about 150 for, and 37 against it.

We are much gratified to hear (says the Milledgeville Journal) that his excellency the governor intends raising, as early as possible, several hundred mounted riflemen, for the purpose of punishing the aggressions of the Seminole Indians. Such a step has become indispensable; or we shall soon see our frontier settlers flying before the uplifted tomahawk, and the murderous scalping knife reeking with the blood of our women and children.

Governor Kinderland has recently augmented his premium for American scalps. He now offers *eight dollars* and a bottle of rum for each. We have not words to express our abhorrence of such infamous conduct, equally repugnant to humanity and every principle of honorable warfare.

SAVANNAH, Oct. 24.

The following is extracted from a letter from a gentleman at the southward to another in this city, dated St. Mary's (Geo.) Oct. 17:—

"The only authentic news we have from Florida, since my last, is a few lines from col. Newman to gen. Floyd, (which I have seen) dated last Sunday, from the plantation of Mr. Kingsly, on the river St. John's, where he had just arrived from near the Lotchway town. He does not give any account of his engagements with the Indians further than their ambuscading him on his return when they killed two of his advanced guard. The main body immediately charged and killed four Indians; the others broke, and many left their arms behind.

"Newman has preserved all his sick and wounded, and begs general Floyd to join him with 100 men, which, with him, will be sufficient to destroy the Lotchway towns.

"Gen. Floyd started from this place at one o'clock to-day, to Colerain, with col. Scott and major Clark; and to-morrow morning crosses the river, with from 80 to 100 men, well armed and equipped, to join Newman. I regret much my business would not admit of being of the party.

"I have conversed with the express sent by Newman, who declares that Newman lost eight men in the different battles, and killed fifty Indians; and a note from major Smith to his wife, in this town, says, Kingsly's house is handsomely decorated with Indian scalps; but does not say the number."

Extract of a letter from an officer in the army—dated

"LEWISTOWN, Oct. 17, 1812.

"I wrote you a few days since a hasty account of the affair here. Perhaps it was calculated to give too unfavorable an account of the business. The enterprize failed indeed and the enemy made many prisoners; but the day was well fought, and the British have not much to boast of. They have lost among a number of their best officers, their boasted general Brock and his aid, colonel M'Donald, of Detroit. Our riflemen did infinite mischief, and such of the militia as could be kept from returning, fought well. It is not courage they want, but *habits of discipline.* General Van Rensselaer thought he could reap all the laurels without the regulars; he turned general Smyth's brigade back when within a few miles from this place. We *kept on,* affecting not to understand the order. Had the brigade arrived—but no matter—it is now here consisting of five regiments, exclusive of the remainder of captain Gibson's light artillery and our little band of veterans, as they call us. The armistice at the enemy's desire, is extended three days longer from this day. One of our officers yesterday went over with a flag to see one of our field officers, who is in good spirits, gives much praise, and declares that he gave his voice against surrender, but unfortunately the command had devolved on a very incompetent officer.

"Mr. Dixon, who came over with a flag, says, that the destruction of English officers is immense—he declares that they could not have stood it 15 minutes longer. But our militia declared they were out of ammunition. The militia are returning on parole—they inform us that in the action we destroyed two to one of the enemy. Our poor fellows are pent up in St. George, which I stated in my last, by mistake, to be opposite this place; it is a strong fort 7 miles below. I think the last armistice ill-advised on our part—the English are completing their line of fortifications on the river, while we have nothing to gain by it. Their weight of metal more than trebles ours. We have their principal Indian chief prisoner; they offer in exchange a militia major. Gen. Van Renssalaer has resigned his command to Smyth, who now commands between Erie and Ontario."

NAVAL.

The cartel brig Spitfire, has arrived at Boston from Halifax, with 300 prisoners.

Capture of the Wasp.—The United States' sloop of war Wasp, carrying 16 carronades, has been captured by the Poictiers, of 74 guns, and carried to Bermuda. Previous to which the Wasp had captured the British government ship Frolic, a vessel of far superior force, mounting eighteen 32 pound carronades and two long 9's. The action lasted 45 minutes. Five men were killed on board the Wasp—the slaughter on board the Frolic was dreadful.—Both vessels being disabled, were taken by the Poictiers of 74 guns. Though we have lost a fine little vessel, and, for a time, are deprived of the services of her most gallant officers and crew, we heartily rejoice in the rich harvest of glory they reaped, and in the confirmation of our belief, that our sailors will always beat the British, in a fair fight. We trust that congress will give our seamen a fair opportunity to distinguish themselves by furnishing, immediately, an additional number of vessels, sufficient, at least, to drive from the coast, the smaller ships of the enemy, and give him a lesson of what we will do, when he compels us to build 74's. *The hint will be useful.* The Frolic was completely dismasted, and had between 50 and 60 men killed and wounded.—Never was a vessel so completely mauled—except the Guerriere.

The following article from the *New-York Evening Post*, positively shews us the *unbounded pleasure* with which the *British* sailors return to the service of 'his majesty':—"By a letter from captain Zuell, of the cartel brig Isabella, of this port, dated at Bermuda, we learn that he had arrived safe at that place and landed about 100 British prisoners. Captain Zuell states that soon after he left this port, the prisoners, to induce him to put into some place where they might make their escape, went into the hold and bored several holes in the bottom of the vessel, which caused the water to come in so fast that the pumps could scarcely keep the vessel clear. Capt. Zuell perceiving how things were going, took an opportunity when the prisoners were below, to put down the hatches: he then told them they should stop the holes they had made, or he would leave them to sink. Finding themselves thus situated, they soon stopped the leaks, and the captain pursued his voyage without any further trouble."

Certain British prisoners, at Charleston, (S. C.) about to be removed to the prison-ship, have publicly tendered their thanks to the sheriff and goaler of the district, for the kindness and attention they have received. This is as it should be—but far different from the usage of our seamen at Halifax, Bermuda, &c. To a suffering American, who complained of his treatment at the former place, the British *preved* by certain *Boston newspapers*, most impudently exhibited to the prisoner, that he lived on the very fat of the land!

The privateer *Saucy-Jack*, has returned to Charleston, after a cruise of 50 days, during which she took seven prizes. Among other truly *impudent* things the *Saucy-Jack* did, was to enter the *harbor* of Demarara, and, by good management, make an easy prize of the very valuable British brig, William Rathbone, of Liverpool, from London, laden with dry goods, worth 40,000£ sterling, (just arrived) mounting fourteen 18 pounders and two 6's. She was manned and ordered for Charleston. Some of the other prizes are valuable—we hope for their safe arrival.

The following is extracted from the Quebec Mercury.—"In our columns is captain Hull's official account of his action with the Guerriere. What can we say of this unfortunate rencontre, further than that we had to contend on this occasion, with men who are bone of our bone, and flesh of our flesh.—From it the inference may be drawn, that a contest with the Americans is more worthy of our arms than was at first imagined. How often have we heard our military officers deplore their being obliged to vanquish men whose conquest would do them no credit. The behavior of the captain and crew of the Constitution, may serve to convince them of their error. Of captain Hull, we may say, with Zanga—

"Great let me call him, for he conquered me."

He will, therefore, we trust, on a future occasion, be found worthy of being conquered."

Major Ormsbee, late commandant at fort Erie, and between 20 or 30 of the enemy, were killed on board the brig Detroit [Adams] after she grounded on the day of her capture.

The naval force now on the Halifax station, consists of two 74's, one 64, one 40 gun frigate, seven 38's, two 36's, one 32, two 20's, eleven 18's two 16's and five or six smaller vessels.

Letter from Captain Elliot to the Secretary of the Navy of the U. S.

BLACK ROCK, Oct. 8.

SIR—I have the honor to inform you that on the morning of the 8th inst. two British vessels, which I was informed were his Britannic majesty's brigs *Detroit*, late the United States' brig Adams, and the brig *Hunter*, mounting 14 guns, but which afterwards proved to be the brig Caledonia, both said to be well armed and manned, came down the lake and anchored under the protection of Fort Erie. Having been on the lines for some time and in a measure inactively employed, I determined to make an attack, and if possible get possession of them. A strong inducement to this attempt arose from a conviction that with these two vessels, added to those which I have purchased and am fitting out, I should be able to meet the remainder of the British force on the Upper Lakes, and save an incalculable expense and labor to the government. On the morning of their arrival I heard that our seamen were but a short distance from this place, and immediately dispatched an express to the officers directing them to use all possible dispatch in getting their men to this place, as I had important service to perform. On their arrival which was about 12 o'clock, I discovered that they had only 20 pistols and neither cutlasses or battle axes. But on application to generals Smith and Hall of the regulars and militia, I was supplied with a few arms, and gen. Smith was so good on my request as immediately to detach fifty men from the regulars armed with muskets.

By 4 o'clock in the afternoon, I had my men selected and stationed in two boats, which I had previously prepared for the purpose. With these boats, 50 men in each, and under circumstances very disadvantageous, my men having scarcely had time to refresh themselves after a fatiguing march of 500 miles, I put off from the mouth of Buffalo creek, at 1 o'clock the following morning, and at three I was along side the vessels. In the space of about 10 minutes I had the prisoners all secured, the topsails sheeted home, and the vessels under way Unfortunately the wind was not sufficiently strong to get up a rapid current into the lake, where I had understood another armed vessel lay at anchor, and I was obliged to run down the river by the forts, under a heavy fire of round, grape and canister, from a number of pieces of heavy ordnance and several pieces of flying artillery, was compelled to anchor at a distance of about 400 yards from two of their batteries. After the discharge of the first gun, which was from the flying artillery, I hailed the shore, and observed to the officer, that if another gun was fired I would bring the prisoners on deck and expose them to the safe fate we should all share—but notwithstanding they disregarded the caution and continued a constant and destructive fire. One single moment's reflection determined me not to commit an act that would subject me to the imputation of barbarity. The Caledonia had been beached, in as safe a position as the circumstances would admit of, under one of our batteries at Black-Rock. I now brought all the guns of the Detroit on one side next the enemy, stationed the men at them, and directed a fire which was continued as long as our ammunition lasted and circumstances permitted. During the contest I endeavored to get the Detroit on our side by sounding a line, there being no wind on shore, with all the line I could muster; but the current being so strong, the boat could not reach the shore. I then hailed our shore, and requested that warps would be made fast on land, and sent on board; the attempt to all which again proved useless. As the fire was such as would in all probability, sink the vessel in a short time, I determined to drift down the river out of reach of the batteries, and make a stand against the flying artillery. I accordingly cut the cable, made sail with very light airs, and at that instant discovered that the pilot had abandoned me. I dropped astern for about ten minutes, when I was brought up on our

shore on Squaw Island—got the boarding-boat ready, had the prisoners put in and sent on shore, with directions for the officer to return for me and what property we could get from the brig. He did not return, owing to the difficulty in the boat's getting on shore. Discovering a skiff under the counter, I put the four remaining prisoners in a boat, and with my officers I went on shore to bring the boat off. I asked for protection to the brig of lieut. col. Scott, who readily gave it. At this moment I discovered a boat with about 40 soldiers from the British side, making for the brig. They got on board, but were soon compelled to abandon her, with the loss of nearly all their men. During the whole of this morning both sides of the river kept up alternately a continual fire on the brig and so much injured her that it was impossible to have floated her. Before I left her, she had several heavy shot of large size in her bends, her sails in ribbons, and rigging all cut to pieces.

To my officers and men I feel under great obligation. To captain Towson and lieutenant Roach of the 2d regiment of artillery, ensign Prestman of the infantry, captain Chapin, Mr. John M'Comb, Messrs. John Town, Thomas Dain, Peter Overstocks, and James Sloan, resident gentlemen of Buffaloe, for their soldier and sailor like conduct. In a word, sir, every man fought as if with their hearts animated only by the interest and honor of their country.

The prisoners I have turned over to the military. The Detroit mounted six 6 pound long guns, commanding lieutenant marines, a boatswain and gunner, and 56 men—about 30 American prisoners on board, muskets, pistols, cutlasses and battle-axes. In boarding her I lost one man, one officer wounded, Mr. John C. Cummings, acting midshipman, a bayonet through the leg—his conduct was correct, and deserves the notice of the department. The Caledonia mounted two small guns, blunderbusses, pistols, muskets, cutlasses and boarding pikes, 12 men including officers, 10 prisoners on board. The boat boarding her commanded by sailing master George Watts, performed his duty in a masterly style. But one man killed, and four wounded badly, I am afraid mortally. I enclose you a list of the officers and men engaged in the enterprise, and also a view of the lake and river in the different situations of attack. In a day or two I shall forward the names of the prisoners. The Caledonia belongs to the N. W. Company, loaded with furs, worth I understand $200,000.

With sentiments of respect, I have the honor to be, &c. JESSE D. ELLIOT.

The hon. Paul Hamilton,
Sec'ry U. S. Navy.

[The Detroit was burnt by the Americans, the chief part of the stores being saved.—Several of her guns are now in service against the enemy.]

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Com. *Barney* returned to Baltimore a few days since in his schooner the *Rossie*. We insert the extract from his log-book as a matter of record, to which it will be pleasant to refer a short time hence. Other vessels have been as actively employed as the Rossie—but her cruise may serve as a *specimen*.

Arrived, the private armed schooner *Rossie*, commodore Barney, from a cruize—this schooner has taken, sunk and burnt eighteen prizes—she has been ninety days *effective* at sea, her cruize extended to the eastward of the Grand Bank of Newfoundland, and on the banks of the port of St. Johns—along that coast to the Isle of Sables, on St. George's Bank; touched in at Newport, R. I. for officers and men, filled water, and proceeded to the West-Indies. Passed off Bermuda; from thence to windward of the Sombrero passage, the passage by St. Thomas's, Mona passage, Turks Island passage, the Caycos passage, then into the Gulph of Florida and home. The crew are in high health and spirits, not a man sick, except the *wounded in action*; the most of them are nearly recovered.

Extract from the Log-book of the schooner Rossie.

July 12th, sailed from Baltimore. July 15, left Cape Henry. July 17th, spoke ship Electra, of Philadelphia, informed her of the war. July 21st, spoke brig Triton, of Portsmouth, informed her of the war. Spoke ship Rising Sun, of Baltimore, informed her of the war. July 22d, seized brig Nymph, of Newburyport, for breach of the non-importation law; spoke ship Reserve of Bath; brig ——, from Lisbon to New-London, informed her of the war. July 23, was chased by a frigate, fired 25 shot at us, outsailed her. July 30, chased by a frigate, out-sailed her. July 31, took and burnt the ship Princess-Royal. Aug. 1, took and manned the ship Kitty; 2d, took and burnt the following: brig Fame, brig Devonshire, schr Squid, and took the brig Brothers—put on board her 60 prisoners, and sent her to St. Johns, to be exchanged for as many Americans. 3d, took and sunk the brig Henry and schr Race-horse, burnt the schr Halifax, manned the brig William (arrived) and gave the schr Two Brothers to 40 prisoners, and sent them to St. Johns, on parole. 9th, took the ship Jeanie, after a short action, she mounting 12 guns, sent her for the United States (arrived.) 10th, seized the brig Rebecca, of Saco, from London, for a breach of the non-importation law, (ar.)——14th, spoke brig Hazard, from Cadiz, informed her of the war. 16th, spoke ship Hercules, from Malta, informed her of the war. 17th, spoke brig Favorite from Cadiz to Boston. 20th, spoke brig John Adams, who had been captured and plundered by the Guerriere, and let go. Aug. 25, seized ship Euphrates, of New Bedford, for breach of the non-importation law, (ar.) 28th, spoke a brig, prize to the Benjn. Franklin privateer. 29th; spoke ship Jewell, of Portland, informed her of the war. 30, spoke schr Ann & Mary, of New London, informed her of the war. Sept. 7, spoke brig ——, from Providence, R. I. in distress; left her under care of the Revenue cutter, of Newport. Sept. 9th, chased by three ships of war, a short chase. Sept. 10, spoke ship Joseph, from Bonavista, informed her of the war. 10th, spoke a brig, prize to the schr Saratoga, of N. York. Sept. 12, chased by a frigate six hours, outsailed her. Sept. 16, took his Britannic majesty's packet ship princess Amelia, after a severe action of nearly an hour, at pistol-shot distance. The captain, sailing-master, and one man was killed, the master's mate and six men wounded—we had Mr. Long, first lieutenant, severely wounded, and six men (most of whom have recovered) the ship cut to pieces, and the Rossie much injured in sails and rigging. Sept. 16, fell in with three ships and a brig armed, exchanged shot with the commodore, received an 18 pound shot through our quarter, wounded a man and lodged in our pump; continued to dog and watch the above vessels, 4 days in hopes to separate them, but in vain. Sept. 23d, spoke the private armed schooner Globe, capt. Murphy, of Baltimore, went in pursuit of the above vessels, but could not fall in with them. 25th, spoke a Spanish brig bound to Porto-Rico. Oct. 8th, took (in company with the Globe) the schr Jubilee, and sent her in. 9th, spoke a Spanish schr from Palma to Porto Rico. 10th, chased and spoke the privateer schr Rapid, of Charleston, s. c. 52 days out, had taken nothing. 22d. seized the ship Merimack, for breach of the non-importation act. Result is *three thousand six hundred and ninety-eight* tons of shipping, and *two hundred and seventeen* prisoners—valued at upwards of *one million five hundred thousand dollars*.

American Prizes.

(WEEKLY LIST—CONTINUED FROM PAGE 143.)

241. Brig Diamond, 220 tons, 12 guns, with a full cargo of cotton and logwood, and $2500 in gold, sent into Salem, by the Alfred privateer.

242. Brig George, 270 tons, laden with sugar and cotton, sent into ditto by ditto. Both vessels were from Brazil, and are valuable, worth $120,000.

243. Brig Neptune, a prize to the John, of Salem, has arrived at that port.

244. Ship Jane, of Port Glasgow, a prize to ditto, has also arrived at Salem.

245. A schooner laden with timber, taken by the Saucy Jack of Charleston, and given up to release the prisoners she had made.

246. Sloop Louisa-Ann, laden with molasses—seized and captured by a boat from the Benjamin Franklin privateer, with 7 men, in Trinity harbor, Martinique, under the guns of a battery of 12 eighteen pounders.

Captain Hull.

The following anecdote relative to the late splendid action between the Constitution and Guerriere, derived from an unquestionable source, is worthy of record, as it is characteristic of the coolness, prudence and superior skill of the gallant American commander.

When the frigates had approached within cannon shot, the firing was commenced by the Guerriere. Capt. Hull was at the time walking the quarter-deck. Shortly after the first fire from the British frigate, lieutenant Morris, who was so severely wounded in the action, came up from the gun-deck, and informed captain Hull that "the enemy had fired and killed two men—shall we return the fire?" "No sir," replied Hull.

Shortly after he again returned—"Sir they have fired again and killed two more men—shall we fire?" "No sir" was the reply—ere a few minutes had elapsed, the gallant Morris impatient for the contest, appeared again and in an earnest tone, wished to know whether they might *now* fire—Hull after pausing a moment and surveying the position of the ships exclaimed, "Yes sir, you may now fire."

The order was promptly obeyed, and the effect produced by the first discharge, showed with what propriety the American commander had restrained the ardor and impetuosity of his brave crew—when he saw the effect of his fire, he immediately exclaimed "By — that vessel is ours." *Poulson.*

Augmentation of the Navy.

The brilliant success that has attended to our seamen on every occasion when they came into contact with an enemy, aided by the apparently increasing necessity of the measure, *as pointing to peace*, with independence and safety, the grand object of the war in which we have reluctantly engaged; we are free to confess has materially changed our ideas as to the expediency of a naval force—not for the purpose of protecting the *gambling* merchant, but as the means of securing to agriculture and legitimate commerce a just respect from foreign nations; under the persuasion, that we have the materials, as well in ships as in men, to maintain our just rights and defend ourselves. From a pretty extensive correspondence with the interior of the United States, I am ready to believe that a great revolution has taken place in the minds of the people, as to this important matter. Let us then urge our representatives in congress to lose no time in bringing the question before them. *If they will it*—they can easily put afloat from 5 to 600 heavy guns by the time that the enemy will gather on our coast in the spring, and thereby put him to the most serious inconveniencies. It is true we cannot build 74's by that time; but we can convert some of our valuable merchantmen into excellent cruising ships of from 20 to 26 guns, and, in each chief port, there may be built a 44 gun frigate.

I am verily of opinion that the adoption of such a measure would affect the enemy more powerfully than the subjugation of *Canada*, important as the procedure may be; it will not cost one twentieth part of the money, and, besides, may enable the people on the sea-board to have a glorious part in the struggle against impressment and piracy. As imprudent, aye, and impudent in wrong, as the British government are, terror will seize them when they behold the foundation of a power that will contend with them for the trident; and they will consider how great our weight might be if thrown into the scale against them in their future wars. Policy, self-love, and every thing else that has influence in the mind of sordid men, would dictate to them the absolute necessity of *diverting* us from warlike measures by granting as an honest peace. If the British monarchy remains entire, there is no government but that of the United States that can reasonably become a maratime rival.——This remark may seem wild to some who consider the mighty resources at the disposal of *Bonaparte;* but he wants seamen, and Great Britain will never permit him to have them in sufficient numbers to give her alarm.—Some of the London wits have, in addition to his other titles, called him "*master ship builder to his Britannic majesty;*" and, indeed his fine vessels appear destined to remain in his own waters to carry the flag of his enemy. The distance that we are removed from Great Britain, with the nature of our coast and the different spirit of the people, forbid the idea that all the navy of England could shut up our flag from the sea, if we had a few stout vessels to make occasional openings in such part of the year as her squadrons might infest our shores. The force of the British navy, though eminently powerful, is much deadened by the extent of the countries and commerce it has to defend. We should have but the one object to look at—the immediate protection of ourselves.

It would then appear that, as a *war* or *peace* measure, an augmentation of the navy was indispensably necessary. I will cost money. True—but we are very able to pay it: the resources of our country have all the vigor of youth. Let us put forth the strength of the nation, and deserve freedom by a jealous and zealous *defence* of our rights, be they assailed by whom they may. Let us be as vigorous in war as we are reluctant to embark in it. Thus we may become what Sparta was, while virtuous. She never invaded the rights or territories of others; but, in defence of *her own*, exerted herself with *irresistible* energy and effect. The state of the civilized world has so materially changed, and "power so often is right," that we must also change our habits, if we expect to uphold our principles.

Creek Indians.

General Cocke offered the following resolutions in the house of representatives of the state of Tennessee on the 26th ultimo, which were adopted, and ordered to be sent to the senate for their concurrence:

"Whereas murders the most horrid and inhuman, have been committed on the people inhabiting the

frontiers of this state, by a nation (if they can be so denominated) called Creeks: atonements for which murders the governor of this state has, in the most correct and decided manner, and in strict conformity with the existing laws, demanded; and which has been refused, as is believed by this general assembly—in consequence of the false representations, or Indian statements, of Benj. Hawkins, agent for the United States in the Creek nation. And whereas it is the opinion of this general assembly, whose pleasure as well as duty it is to watch over and preserve the liberties of those who have honored them with their confidence, particularly when every principle of humanity and justice cries aloud for revenge. Therefore,

"*Resolved*, that the governor of this state be directed to order into service on the frontiers, 10,000 of the militia of this state, to wit: 5,000 on the frontier of the West, and 5,000 on the frontier of East Tennessee, for the purpose of preventing a repetition of those horrid scenes of savage barbarity; and to punish with *death*, the savage foe who dare make the attempt.

"*Resolved*, that the governor be directed to send a messenger to the Creek nation forthwith, and demand a prompt surrender of all the murderers of the citizens of Tennessee; and if not delivered in 20 days after the return of said messenger, to order out a sufficient force to exterminate the Creek nation.

"*Resolved*, that the governor of this state be requested to forward, without delay, to the president of the United States, a copy of the foregoing preamble and resolutions, as expressive of our feelings and determination on a subject so intimately connected with the tranquility and happiness of the people of Tennessee.

"*Resolved*, that it is expedient that a law be immediately passed, to authorise the governor to draw on either of the treasurers of this state, for such sums of money as may be sufficient to effect the object contemplated by the foregoing resolutions.

"*Resolved also*, that the senators and representatives from this state to the congress of the United States, be instructed and requested to use their best endeavors with the proper authority, to have Benj. Hawkins removed from the Creek agency."

[We have before seen some insinuations against the conduct of colonel Hawkins; but we hoped, as we yet hope, they are unfounded. The subject being now, however, brought before a legislative body, it becomes necessary to notice it.] [*Ed. Reg.*

THE CHRONICLE.

Dudley Chase, Esq. a republican, has been elected a senator of the United States, by the legislature of Vermont, vice Stephen R. Bradley, whose period of service expires on the 4th of March next.——The votes were, for Chase 110—for R. Tyler (also republican) 94—and 4 scattering. This choice clearly shews the *positive* materials of what the majority is composed.

At the general election in October last, sixteen gentlemen were chosen, agreeably to the act of incorporation, as electors of Mayor of the city of Baltimore. They were pledged to vote for *Edward Johnson*, and they were elected, *nemine contradicente*. On Monday last they assembled for the purpose, and unanimously re-elected Mr. Johnson.

Colonel Ogden is chosen governor of New-Jersey. He had 30 votes—judge Pennington, the republican candidate, 22.

The president has been pleased to confer the brevet rank of MAJOR, on capt. Z. Taylor, for his gallant defence of fort Harrison.

Roger Griswold, Esq. governor of Connecticut, departed this life on the 25th ult. in the 51st year of his age. He was interred with military and civil honors.

The general assembly of Maryland met at Annapolis on Monday last. John C. Herbert, Esq. was elected speaker of the house of delegates, and Upton S. Reed, Esq. clerk.

Judging from the returns that have reached us, we venture an opinion that the *Madisonian* electoral ticket has succeeded in Pennsylvania by a majority of 25,000 votes.

The legislature of New Jersey have taken from the people the privilege of electing electors of a President and Vice-President of the United States. The election was, by law, to have come on three or four days after the meeting of the assembly. By this measure the vote of New-Jersey will be given to Mr. *Clinton*. They have also abolished the *general* ticket for Congress.

Langdon Cheves, William Lowndes, John C. Calhoun, John Chapel, Samuel Farrow, Theodore Gourdin and William Mayrant, all republicans, are elected to the 13th congress, from South Carolina.

Return J. Meigs, esq. has been re-elected governor of Ohio, by a large majority.

The following gentlemen are elected to represent the state of Georgia, in the congress of the United States: G. M. Troup, Wm. W. Bibb, Bolling Hall, John Forsyth, Wm. Barnett, Thomas Telfair. The three last are new members. They are republicans.

A collection of people at Savannah have destroyed a vessel at that place, loaded with supplies for St. Augustine; and at a meeting of the citizens, resolutions have been entered into expressing their detestation of all who engage in furnishing supplies to those who have proved themselves so inimical to the United States. In the affair first mentioned, one or two persons were unfortunately killed.

All the money on board the Abergavenny, lost some years near Weymouth, to the amount £60,000 in dollars, has been recovered by means of the diving bell. The vessel has been since blown up under water, so as to prevent the wreck from forming a dangerous shoal.—*London paper August* 22.

Roman antiquities.—Some valuable Roman antiquities have lately been discovered by Mr. Noble, farmer of the ground, (while clearing away the stones of the east side for building) at Plumpton, a village between Penrith and Carlisle, distant from the former place about five miles. This village is situated near a Roman station, called Penrith by the country people; Bremetanaarum, by Horsely; and by Camden Petriana. The antiquities consist of a considerable number of silver and brass coins, some of them in good preservation; several pieces of brass which appear to have been appendages to the handle of a sword; and a part of a lamp of bronze, or some similar metal, fashioned in the shape of a bird, of very fine workmanship. The belly is wanting; in other respects it has received no injury from the corroding tooth of time. Mr. Noble, we are glad to learn, is indefatigable in his endeavors to recover more monuments of former times. In his pursuits, he has cleared away the stones and rubbish from the whole of the eastern side, 132 yards long, to the very foundation of the wall, which is three course in height, quite entire, and of excellent masonry; in the centre is a large gateway. Within the area of the fort, which contains three acres, the foundations of regular streets of houses are very discernable.—We understand Mr. Noble's landlord has given him liberty to improve the ground as he pleases. We cannot doubt, then, that the whole station will be speedily cleared out. *ib.*

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Hæc olim meminisse juvabit.—Virgil.

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DOCUMENTS

Accompanying the President's Message to Congress.

LETTERS FROM MR. MONROE TO MR. RUSSEL, CHARGE DES AFFAIRES IN GREAT BRITAIN.

Extract of a letter from Mr. Monroe to Mr. Russel, June 26, 1812.

"This letter is committed to Mr. Foster, who has promised to deliver it to you in safety.

"On the 18th of this month a declaration of war against Great Britain passed congress. I sent you a copy of the act, of the President's message, and of the report of the committee of foreign relations, which brought the subject under consideration.

"This measure has been produced by the continued aggressions of the British government on the rights of the United States, and the presumption arising from them and other facts, which it is unnecessary to recite, that no favorable change of policy might be expected from it. It was impossible for the U. States to surrender their rights, relinquishing the ground which they had taken, and it was equally incompatible with their interests and character to rely longer on measures which had failed to accomplish their objects. War was the only remaining alternative, and that fact being clearly ascertained, you will find by the documents transmitted that it was adopted with decision.

"As war has been resorted to from necessity, and of course with reluctance, this government looks forward to the restoration of peace with much interest, and a sincere desire to promote it on conditions, just, equal and honorable to both the parties. It is in the power of Great Britain to terminate the war on such conditions, and it would be very satisfactory to the President to meet it in arrangements to that effect.

"Although there are many just and weighty causes of complaint against Great Britain, you will perceive by the documents transmitted, that the orders in council, and other blockades, illegal, according to the principles lately acknowledged, and the impressment of our seamen, are considered to be of the highest importance. If the orders in council are repealed, and no illegal blockades are substituted to them, and orders are given to discontinue the impressment of seamen from our vessels, and to restore those already impressed, there is no reason why hostilities should not immediately cease. Securing these objects, you are authorised to stipulate an armistice to commence from the signature of the instrument providing for it, or at the end of fifty or sixty days, or other the shortest term that the British government will assent to. Definite arrangements will be made on these and every other difference by a treaty, to be concluded either here or at London, though it is much desired that the subject should be entered on in this city.

"As an inducement to the British government to discontinue the practice of impressment from our vessels, you may give assurances that a law will be passed (to be reciprocal) to prohibit the employment of British seamen in the public or commercial service of the U. States. There can be no doubt that such an arrangement would prove much more efficacious in securing to Great Britain her seamen, than the practice to which it is proposed so he a substitute, independent of all the other objections to it.

"Indemnity for injuries received under the orders in council, and other edicts violating our rights, seems to be incident to their repeal: but the President is willing that the consideration of that claim should not be pressed at this time, so as to interfere with the preliminary arrangement alluded to. It will be proper to bring it into view merely to shew that it is expected that provision will be made for it in the treaty which is to follow. Every other interest may also be provided for at the same time.

"It is hoped that the British government will find it consistent with its interest and honor, to terminate the war by an armistice in the manner and on the conditions proposed. In so doing, it will abandon no right, it will sacrifice no interest; it will abstain only from violating our rights, and in return it will restore peace with the power from whom, in a friendly commercial intercourse, so many advantages will be derived, not to mention the injuries which cannot fail to result from a prosecution of the war."

MR. MONROE TO MR. RUSSEL.

Department of State, July 27, 1812.

SIR—I wrote you on the 26th of June, by Mr. Foster, a letter which he promised to deliver to you in person or by a safe hand.

In that letter you were informed, that the orders in council and other illegal blockades, and the impressment of our seamen by Great Britain, as you well knew before, were the principal causes of the war, and that if they were removed, you might stipulate an armistice, leaving them and all other grounds of difference, for final and more precise adjustment by treaty. As an inducement to the British government to discontinue the practice of impressment from our vessels, by which alone our seamen can be made secure, you were authorised to stipulate a prohibition by law, to be reciprocal, of the employment of British seamen in the public or commercial service of the U. States. As such an arrangement, which might be made completely effectual and satisfactory by suitable regulations and penalties, would operate almost exclusively in favor of Great Britain, for as few of our seamen ever enter voluntarily into the British service, the reciprocity would be nominal; its advantage to Great Britain would be more than an equivalent for any she derives from impressment, which alone ought to induce her to abandon the practice, if she had no other motive for it. A stipulation to prohibit by law the employment of British seamen in the service of the U. States, is to be understood in the sense and spirit of the constitution. The passage of such law must depend of course on congress, who, it might reasonably be presumed, might give effect to it.

By authorising you to secure these objects as the grounds of an armistice, it was not intended to restrict you to any precise form in which it should be done. It is not particularly necessary that the several points should be specially provided for in the convention stipulating the armistice. A clear and distinct understanding with the British government on the subject of impressment, comprising in it the discharge of men already impressed, and on future blockades, if the orders in council are revoked, is all that is indispensable. The orders in council being revoked, and the proposed understanding on the other points, that is, on blockades and impressment, being first obtained, in a manner, though informal, to admit of no mistake or disagreement hereafter, the instrument providing for the armistice may assume a general form, especially if more agreeable to the British government. It may for example be said in general terms, "that both powers being sincerely desirous to terminate the differences which unhappily subsist between them, and equally so, that full time should be given for the adjustment thereof, agree,

"1st. That an armistice shall take place for that purpose, to commence on the —— day of ——.

"2d. That they will forthwith appoint on each side commissioners with full power to form a treaty, which shall provide, by reciprocal arrangements, for the security of their seamen from being taken or employed in the service of the other power, for the regulation of their commerce, and all other interesting questions now depending between them.

"3d. The armistice shall not cease without a previous notice by one to the other party of —— days, and shall not be understood as having other effect than merely to suspend military operations by land and by sea."

By this you will perceive that the President is desirous of removing every obstacle to an accommodation which consists merely of form, securing in a safe and satisfactory manner the rights and interests of the U. States in these two great and essential circumstances, as it is presumed may be accomplished by the proposed understanding; he is willing that it be done in a manner the most satisfactory and honorable to Great Britain, as well as to the United States. I have the honor to be, &c.

(Signed) JAMES MONROE.

MR. GRAHAM TO MR. RUSSEL.

Department of State, August 9, 1812.

SIR—The secretary left this city about ten days ago on a short visit to Virginia. Since that period Mr. Baker has, in consequence of some dispatches from his government addressed to Mr. Foster, made to me a communication respecting the intentions of his government as regards the orders in council. It was of a character, however, so entirely informal and confidential, that Mr. Baker did not feel himself at liberty to make it in the form of a note verbal or pro memoria, or even to permit me to take a memorandum of it at the time he made it. As it authorises an expectation that something more precise and definite, in an official form, may soon be received by this government, it is the less necessary that I should go into an explanation of the views of the President in relation to it, more particularly as the secretary of state is daily expected and will be able to do it in a manner more satisfactory.

I refer you to the enclosed papers for information as to the maritime and military movements incident to the war, and will add, that the President is anxious to know as soon as possible, the result of the proposals you were authorised to make to the British government respecting an armistice. He considers them so fair and reasonable, that he cannot but hope that they will be acceded to, and thus be the means of hastening an honorable and permanent peace. I have the honor to be, &c.

(Signed) JOHN GRAHAM.

MR. GRAHAM TO MR. RUSSEL.

Department of State, August 10, 1812.

SIR—Thinking that it may possibly be useful to you, I do myself the honor to enclose a memorandum of the conversation between Mr. Baker and myself, alluded to in my letter of yesterday's date. From a conversation with Mr. Baker since this memorandum was made, I find that I was correct in representing to the President that the intimation from Mr. Foster and the British authorities at Halifax was to be understood as connected with a suspension of hostilities on the frontiers of Canada. I have the honor, &c.

(Signed) JOHN GRAHAM

Memorandum referred to in the above letter.

Mr. Baker verbally communicated to me for the information of the President, that he had received dispatches from his government addressed to Mr. Foster, dated (I believe) about the 17th June, from which he was authorised to say, that an official declaration would be sent to this country, that the orders in council, so far as they affected the United States, would be repealed on the first August, to be revived on the 1st May, 1813, unless the conduct of the French government and the result of the communications with the American government should be such as, in the opinion of his majesty, to render their revival unnecessary. Mr. Baker moreover stated, that the orders would be revived, provided the American government did not, within fourteen days after they received the official declaration of their repeal, admit British armed vessels into their ports, and put an end to the restrictive measures which had grown out of the orders in council.

The dispatches authorising this communication to the American government expressly directed that it should be made verbally, and Mr. Baker did not consider himself at liberty to reduce it to writing, even in the form of a note verbal, or pro memoria, or to suffer me to take a memorandum of his communication at the time he made it. I understood from him that the dispatches had been opened by Mr. Foster at Halifax, who, in consequence of a conversation he had with vice-admiral Sawyer and sir John Sherbroke, had authorised Mr. Baker to say, that these gentlemen would agree, as a measure leading to a suspension of hostilities, that all captures made after a day to be fixed, should not be proceeded against immediately, but be detained to await the future decision of the two governments.—Mr. Foster had not seen sir George Prevost, but had written to him by express, and did not doubt but that he would agree to an arrangement for the temporary suspension of hostilities.

Mr. Baker also stated that he had received an authority from Mr. Foster to act as charge des affaires, provided the American government would receive him in that character, for the purpose of enabling him officially to communicate the declaration which was to be expected from the British government; his functions to be understood, of course, as ceasing on the renewal of hostilities. I replied, that although, to so general and informal a communication, no answer might be necessary, and certainly no particular answer expected, yet, I was authorised to say, that the communication is received with sincere satisfaction, as it is hoped that the spirit in which it was authorised by his government may lead to such further communications as will open the way, not only to an early and satisfactory termination of existing hostilities, but to that entire adjustment of all the differences which produced them, and that permanent peace and solid friendship which ought to be mutually desired by both countries and which is sincerely desired by this. With this desire an authority was given to Mr. Russel on the subject of an armistice as introductory to a final pacification, as has been made known to Mr. Foster, and the same desire will be felt on the receipt of the further and more particular communications which are shortly to be expected with respect to the joint intimation from Mr. Foster and the British authorities at Halifax on the subject of suspending judicial proceedings in the case of maritime captures, to be accompanied by a suspension of military operations. The authority given to Mr. Russel just alluded to, and of which Mr. Foster was the bearer, is full proof of the solicitude of the government of the United States to bring about a general suspension of hostilities on admissible terms, with as little delay as possible. It was not to be doubted, therefore, that any other practicable expedient for attaining a similar result would readily be concurred in. Upon the most favorable consideration, however, which could be given to the expedient suggested through him, it did not appear to be reducible to any practicable shape to which the executive would be authorised to give it the necessary sanction, nor indeed is it probable that if it was less liable to insuperable difficulties, that it could have any material effect previous to the result of the pacific advance made by this government, and which must, if favorably received, become operative as soon as any other arrangement that could now be made. It was stated to Mr. Baker, that the President did not, under existing circumstances, consider Mr. Foster as vested with the power of appointing a charge des affaires; but that no difficulty, in point of form, would be made, as any authentic communication through him, or any other channel, would be received with attention and respect.

THE SECRETARY OF STATE TO MR. RUSSEL.

Department of State, August 21, 1812.

[*Extract*]—My last letter to you was of the 27th July, and was forwarded by the British packet, the Althea, under the special protection of Mr. Baker. The object of that letter, and of the next preceding one, of the 26th of June, was to invest you with power to suspend by an armistice, on such fair conditions as it was presumed could not be rejected, the operation of the war, which had been brought on the United States by the injustice and violence of the British government. At the moment of the declaration of war, the President regretting the necessity which produced it, looked to its termination and provided for it, and happy will it be for both countries, if the disposition felt, and the advances made on his part, are entertained and met by the British government in a similar spirit.

You have been informed by Mr. Graham of what passed in my late absence from the city, in an interview between Mr. Baker and him, in consequence of a dispatch from the British government to Mr. Foster, received at Halifax, just before he sailed for England, and transmitted by him to Mr. Barker, relating to a proposed suspension or repeal of the British orders in council: You will have seen by the note forward to you by Mr. Graham, of Mr. Baker's communication to him, that Mr. Foster had authorised him to state that the commanders of the British forces at Halifax would agree to a suspension, after a day to be fixed, of the condemnation of prizes, to await the decision of both governments, without, however, preventing captures on either side. It appears also that Mr. Foster had promised to communicate with sir George Prevost and to advise him to propose to our government an armistice.

Sir George Prevost has since proposed to general Dearborn, at the suggestion of Mr. Foster, a suspension of offensive operations by land, in a letter which was transmitted by the general to the secretary at war. A provisional agreement was entered into between general Dearborn and col. Baynes, the British adjutant-general, bearer of gen. Prevost's letter, that either party should act offensively, before the decision of our government should be taken on the subject.

Since my return to Washington, the document alluded to in Mr. Foster's dispatch, as finally decided on by the British government, has been handed to me by Mr. Baker, with a remark, that its authenticity might be relied on. Mr. Baker added, that it was not improbable that the admiral at Halifax might agree likewise to a suspension of captures, though he did not profess or appear to be acquainted with his sentiments on that point.

On full consideration of all the circumstances which merit attention, the President regrets that it is not in his power to accede to the proposed arrangement. The following are among the principal reasons which have produced this decision.

1st. The President has no power to suspend judicial proceedings on prizes. A capture, if lawful, vests a right, over which he has no control. Nor could he prevent captures otherwise than by an indiscriminate recal of the commissions granted to our privateers, which he could not justify under existing circumstances.

2d. The proposition is not made by the British government, nor is there any certainty that it would be approved by it. The proposed arrangement, if acceded to, might not be observed by the British officers themselves if their government, in consequence of the war, should give them instructions of a different character, even if they were given without a knowledge of the arrangement.

3d. No security is given, or proposed, as to the Indians, nor could any be relied on. They have engaged in the war on the side of the British government, and are now prosecuting it with vigor, in their usual savage mode. They can only be restrained by force, when once let loose, and that force has already been ordered out for that purpose.

4th. The proposition is not reciprocal, because it restrains the United States from acting where her power is greatest, and leaves Great Britain at liberty, and gives her time to augment her forces in our neighborhood.

5th. That as a principal object of the war is to obtain redress against the British practice of impressment, an agreement to suspend hostilities, even before the British government is heard from on that subject, might be considered a relinquishment of that claim.

6th. It is the more objectionable, and of the less importance, in consideration of the instructions heretofore given you, which, if met by the British government, may have already produced the same result in a greater extent and more satisfactory form.

I might add, that the declaration itself is objectionable in many respects, particularly the following.

1st. Because it asserts a right in the British government to restore the orders in council, or any part thereof, to their full effect on a principle of retaliation on France, under circumstances of which she alone is to judge; a right which this government cannot admit, especially in the extent heretofore claimed, and acted on by the British government.

2d. That the repeal is founded exclusively on the French decree of the 28th of April, 1811, by which the repeal of the decrees of Berlin and Milan, announced on the 5th of August, 1810, to take effect on the first of November, of that year, at which time their operation actually ceased, is disregarded, as are the claims of the United States arising from the repeal on that day, even according to the British pledge.

3d. That even if the United States had no right to claim the repeal of the British orders in council prior to the French decree of the 28th of April, 1811, nor before the notification of that decree to the British government on the 20th of May, of the present year, the British repeal ought to have borne date from that day, and been subject to none of the limitations attached to it.

These remarks on the declaration of the Prince Regent, which are not pursued with rigor, nor in the full extent which they might be, are applicable to it, in relation to the state of things which existed before the determination of the United States to resist the aggressions of the British government by war. By that determination the relations between the two countries have been altogether changed, and it is only by a termination of the war, or by measures leading to it, by consent of both governments, that its calamities can be closed or mitigated. It is not now a question whether the declaration of the Prince Regent is such as ought to have produced a repeal of the non-importation act, had war not been declared, because, by the declaration of war, that question is superceded, and the non-importation having been continued in force by congress, and become a measure of war, and among the most efficient, it is no longer subject to the control of the executive in the sense, and for the purpose for which it was adopted.

The declaration, however, of the Prince Regent will not be without effect. By repealing the orders in council without reviving the blockade of May 1806, or any other illegal blockade, as is understood to be the case, it removes a great obstacle to an accommodation. The President considers it an indication of a disposition in the British government to accommodate the differences which subsist between the countries, and I am instructed to assure you that, if such disposition really exists, and is persevered in, and is extended to other objects, especially the important one of impressment, a durable and happy peace and reconciliation cannot fail to result from it.

Letters of Mr. Russel to the Secretary of State.

MR. RUSSEL TO MR. MONROE.

London, June 26, 1812.

SIR—I have the honor to hand to you, herein, an order of council of the 23d of this month, revoking the orders in council of the 7th of January 1807, and of the 26th of April 1809.

To this decree I have added copies of two notes of the same date, from lord Castlereagh, accompanying the communication of it to me, and also a copy of my answer.

With great respect and consideration, I am sir, your very faithful servant, JONATHAN RUSSEL.

The hon. James Monroe.

LORD CASTLEREAGH TO MR. RUSSEL.

Foreign Office, June 23, 1812.

SIR—I am commanded by the Prince Regent to transmit to you, for your information, the enclosed printed copy of an order in council, which his royal highness, acting in the name, and on the behalf of his majesty, was this day pleased to issue, for the revocation (on the conditions therein specified) of the orders in council, of the 7th of January, 1807, and of the 26th of April, 1809, so far as may regard American vessels and their cargoes, being American property from the 1st of August next.

I have the honor to be, with great consideration, sir, your most obedient humble servant, (Signed) CASTLEREAGH.

J. Russel, esq. &c. &c. &c.

LORD CASTLEREAGH TO MR. RUSSEL.

Foreign Office, June 23, 1812.

SIR—In communicating to your government the order in council of this date, revoking (under certain conditions therein specified) those of January 7th, 1807, and of April 26th, 1809, I am to request that you will at the same time acquaint them that the Prince Regent's ministers have taken the earliest opportunity, after the resumption of the government, to advise his royal highness to the adoption of a measure grounded upon the document communicated by you to this office on the 20th ultimo; and his royal highness hopes that this proceeding on the part of the British government may accelerate a good understanding on all points of difference between the two states.

I shall be happy to have the honor of seeing you at the foreign office, at 2 o'clock to-morrow; and beg to apprize you that one of his majesty's vessels will sail for America with the dispatches of the government in the course of the present week.

I have the honor to be, with great consideration, sir, your most obedient humble servant, (Signed) CASTLEREAGH.

J. Russel, esq. &c. &c. &c.

MR. RUSSEL TO LORD CASTLEREAGH.

18, *Bentinck-street, June 26, 1812.*

MY LORD—I have the honor to acknowledge the receipt of the two notes addressed to me by your lordship on the 23d of this month, enclosing an order in council, issued that day by his royal highness the Prince Regent, acting in the name, and on the behalf of his Britannic majesty, for the revocation (on the conditions therein specified) of the orders in council of the 7th of January, 1807, and of the 26th of April 1809, so far as may regard American vessels and their cargoes, being American property, from the 1st of August next.

In communicating this document to my government, I shall, with much satisfaction, accompany it with the hopes which you state to be entertained by his royal highness the Prince Regent, that it may accelerate a good understanding on all points of difference between the two states. I am the more encouraged to believe that these hopes will not be disappointed from the assurance which your lordship was pleased to give me, in the conversation of this morning; that, in the opinion of your lordship, the blockade of the 16th of May, 1806, had been merged in the orders in council, now revoked, and extinguished with them; and that no condition contained in the order of the 23d inst. is to be interpreted to restrain the government of the United States from the exercise of its right to exclude British armed vessels from the harbors and waters of the United States when ever there shall be special and sufficient cause for so doing; or whenever such exclusion shall, from a general policy, be extended to the armed vessels of the enemies of Great Britain—This assurance I am happy to consider as evidence of a conciliatory spirit which will afford, on every other point of difference, an explanation equally frank and satisfactory.

I am, my lord, with great consideration, your lordship's most obedient servant, (Signed) JONA. RUSSEL.

The right hon. lord viscount Castlereagh, &c.

MR. RUSSEL TO MR. MONROE.

London, July 2, 1812.

SIR—I avail myself of the opportunity afforded by the British packet, to transmit to you a copy of a note from lord Castlereagh of the 29th ult. which I trust will put at rest the blockade of 1806.

I acknowledge the receipt of this note, as you will observe by the enclosed copy of my reply, without a comment.

I did not think it useful to enter into a discussion, at this moment, concerning the legality of that blockade, which as no new doctrine appears to be assumed, is made to depend on the fact, the application of an adequate force.

In like manner I have forborne to notice his lordship's observations concerning the exclusion from our ports, of British vessels of war. As such exclusion is required to accord with the obligations of strict neutrality only, the conduct and character of the government of the United States furnish sufficient security against any question arising on that subject.

I have the honor to be, with high consideration, sir, your assured obedient servant, JONA. RUSSEL.

The hon. James Monroe, &c. &c. &c.

LORD CASTLEREAGH TO MR. RUSSEL.

Foreign Office, June 29, 1812.

Lord Castlereagh has the honor to acknowledge the receipt of Mr. Russel's communication of the 26th inst.

That no mistake may prevail upon the explanation given in conversation by lord Castlereagh to Mr. Russel, on the two points referred to in Mr. Russel's letter, lord Castlereagh begs leave to restate to Mr. Russel, with respect to the blockade of May, 1806, that in point of fact, this particular blockade has been discontinued for a length of time, the general retaliatory blockade of the enemy's ports, established under the orders in council of November, 1807, having rendered the enforcement of it by his majesty's ships of war no longer necessary: and that his majesty's government has no intention of recurring to this or to any other blockades of the enemy's ports, founded upon the ordinary and accustomed principles of maritime law, which were in force previous to the order in council, without a new notice to neutral powers in the usual form.

With respect to the provision of the order of the 23d inst. which refers to the admission of British ships of war into the harbors and waters of the U. States, lord Castlereagh informs Mr. Russel, that this claim is made in consequence of his majesty's ships being now excluded, whilst those of the enemy are admitted. It is the partial admission of one of the belligerents, of which Great Britain feels herself entitled to complain, as a preference in favor of the enemy incompatible with the obligations of strict neutrality. Were the exclusion general, the British government would consider such a measure, on the part of America, as matter of discussion between the two states, but not as an act of partiality of which they had in the first instance a right to complain.

Lord Castlereagh avails himself of this opportunity to renew to Mr. Russel the assurances of his high consideration.

MR. RUSSEL TO LORD CASTLEREAGH.

18, *Bentinck-street, July 1, 1812.*

Mr. Russel has the honor to acknowledge the receipt of the note of lord Castlereagh, dated the 29th ult. containing explanations relative to the two points referred to in Mr. Russel's note of the 26th of that month and will take the earliest opportunity of communicating it to his government.

Mr. Russel begs leave to avail himself of this occasion, to repeat to lord Castlereagh the assurance of his high consideration.

MR. RUSSEL TO MR. MONROE.

London, 1st Sept. 1812.

SIR—You will perceive by the enclosed copies of notes which have passed between lord Castlereagh and me, that the moderate and equitable terms proposed for a suspension of hostilities, have been rejected, and that it is my intention to return immediately to the U. States.

My continuance here, after it has been so broadly intimated to me by his lordship, that I am no longer acknowledged in my diplomatic capacity, and after a knowledge that instructions are given to the British admiral to negociate an arrangement on the other side of the Atlantic, would, in my view of the subject, not only be useless but improper.

It is probable, however, that the vessel in which I propose to embark will not take her departure before the 15th or 20th of this month.

I have the honor to be, with great consideration, sir, your most obedient servant, JONA. RUSSEL.

To the hon. James Monroe, &c.

MR. RUSSEL TO LORD CASTLEREAGH.

London, August 24, 1812.

MY LORD—It is only necessary, I trust, to call the attention of your lordship to a review of the conduct of the government of the United States to prove incontrovertibly its unceasing anxiety to maintain the relations of peace and friendship with Great Britain. Its patience in suffering the many wrongs which it has received, and its perseverance in endeavoring by amicable means to obtain redress, are known to the world. Despairing, at length, of receiving this redress from the justice of the British government to which it had so often applied in vain, and feeling that a further forbearance would be a virtual surrender of interests and rights essential to the prosperity and independence of the nation confided to its protection, it has been compelled to discharge its high duty by an appeal to arms.

While, however, it regards this course as the only one which remained for it to pursue with a hope of preserving any portion of that kind of character which constitutes the vital strength of every nation, yet it is still willing to give another proof of the spirit which has uniformly distinguished its proceedings, by seeking to arrest, on terms consistent with justice and honor, the calamities of war. It has therefore authorised me to stipulate with his Britannic majesty's government an armistice, to commence at or before the expiration of sixty days after the signature of the instrument providing for it, on condition that the orders in council be repealed and no illegal blockades to be substituted to them, and that orders be immediately given to discontinue the impressment of persons from American vessels, and to restore the citizens of the U. States already impressed: it being moreover well understood that the British government will assent to enter into definite arrangements, as soon as may be, on these and every other difference, by a treaty to be concluded either at London or Washington, as on an impartial con-

sideration of existing circumstances shall be deemed most expedient.

As an inducement to Great Britain to discontinue the practice of impressment from American vessels, I am authorised to give assurances that a law shall be passed (to be reciprocal) to prohibit the employment of British seamen in the public or commercial service of the United States.

It is sincerely believed that such an arrangement would prove more efficacious in securing to Great Britain her seamen than the practice of impressment so derogatory to the sovereign attributes of the United States, and so incompatible with the personal rights of their citizens.

Your lordship will not be surprised that I have presented the revocation of the orders in council as a preliminary to the suspension of hostilities, when it is considered that the act of the British government of the 23d of June last, ordaining that revocation, is predicated on conditions, the performance of which is rendered impracticable by the change which is since known to have occurred in the relations between the two countries. It cannot now be expected that the government of the U. States will immediately on due notice of that act, revoke or cause to be revoked its acts excluding from the waters and harbors of the U. States, all British armed vessels, and interdicting commercial intercourse with Great Britain. Such a procedure would necessarily involve consequences too unreasonable and extravagant to be for a moment presumed. The order in council of the 23d of June last, will therefore, according to its own terms be null and of no effect, and a new act of the British government, adapted to existing circumstances, is obviously required for the effectual repeal of the orders in council of which the United States complain.

The government of the United States considers indemnity for injuries received under the orders in council and other edicts, violating the rights of the American nation, to be incident to their repeal, and it believes that satisfactory provision will be made in the definite treaty, to be hereafter negociated, for this purpose.

The conditions now offered to the British government for the termination of the war by an armistice as above stated, are so moderate and just in themselves, and so entirely consistent with its interest and honor, that a confident hope is indulged that it will not hesitate to accept them. In so doing it will abandon no right; it will sacrifice no interest; it will abstain only from violating the rights of the U. States, and in return it will restore peace with the power from whom in a friendly commercial intercourse so many advantages are to be derived.

Your lordship is undoubtedly aware of the serious difficulties with which a prosecution of the war, even for a short period, must necessarily embarrass all future attempts at accommodation. Passions exasperated by injuries—alliances or conquests on terms which forbid their abandonment—will inevitably hereafter embitter and protract a contest which might now be so easily and happily terminated.

Deeply impressed with these truths, I cannot but persuade myself that his royal highness the Prince Regent, will take into his early consideration the propositions herein made on behalf of the United States, and decide on them in a spirit of consideration and justice.

I have the honor to be, with high consideration, my lord, your lordship's most obedient servant,

(Signed) JONA. RUSSEL.

To the right hon. lord viscount Castlereagh, &c.

LORD CASTLEREAGH TO MR. RUSSEL.

Foreign Office, August 29.

SIR—Although the diplomatic relations between the two governments have been terminated by a declaration of war on the part of the U. States, I have not hesitated under the peculiar circumstances of the case, and the authority under which you act, to submit to the Prince Regent the proposition contained in your letter of the 24th inst. for a suspension of hostilities.

From the period at which your instructions must have been issued, it is obvious that this overture was determined upon by the government of the U. States, in ignorance of the order in council of the 23d of June last, and as you inform me that you are not at liberty to depart from the conditions set forth in your letter, it only remains for me to acquaint you that the Prince Regent feels himself under the necessity of declining to accede to the proposition therein contained, as being on various grounds absolutely inadmissible.

As soon as there was reason to apprehend that Mr. Foster's functions might have ceased in America, and that he might have been obliged to withdraw himself, in consequence of war having been declared, from the U. States, before the abovementioned order of the 23d of June, and the instructions consequent thereupon could have reached him, measures were taken for authorising the British admiral on the American station, to propose to the government of the U. States, an immediate and reciprocal revocation of all hostile orders with the tender of giving full effect, in the event of hostilities being discontinued, to the provisions of said order, upon the conditions therein specified.

From this statement you will perceive that the view you have taken of this part of the subject is incorrect; and that in the present state of the relations between the two countries, the operation of the order of the 23d of June can only be defeated by a refusal on the part of your government to desist from hostilities, or to comply with the conditions expressed in the said order.

Under the circumstances of your having no powers to negociate, I must decline entering into a detailed discussion of the propositions which you have been directed to bring forward.

I cannot, however, refrain, on one single point, from expressing my surprise; namely, that as a condition, preliminary even to a suspension of hostilities, the government of the United States should have thought fit to demand, that the British government should desist from its ancient and accustomed practice of impressing British seamen from the merchant ships of a foreign state, simply on the assurance that a law shall hereafter be passed to prohibit the employment of British seamen in the public or commercial service of that state.

The British government now, as heretofore, is ready to receive from the government of the United States, and amicably to discuss, any proposition which professes to have in view either to check abuse in the exercise of the practice of impressment, or to accomplish by means, less liable to vexation, the object for which impressment has hitherto been found necessary; but they cannot consent to suspend the exercise of a right upon which the naval strength of the empire mainly depends, until they are fully convinced that means can be devised, and will be adopted, by which the object to be obtained by the exercise of that right can be effectually secured.

I have the honor to be, sir, your most obedient humble servant,

(Signed) CASTLEREAGH.

J. Russel, esq. &c. &c. &c.

MR. RUSSEL TO LORD CASTLEREAGH.

18, Bentinck-street, 1st September 1812.

MY LORD—I have learnt, with much regret, by your lordship's note, dated the 29th ult. which I did not receive until this morning, that the Prince Regent has thought proper to decline to accede to the proposition for a suspension of hostilities, contained in my note of the 24th of August.

It has been matter of surprise to me that my view, with regard to the revocation of the orders in council of the 23d of June last, should have been considered to have been incorrect, when it appears by your lordship's note that the British government itself had deemed it necessary to give powers to the British admiral to stipulate for its full effect, and thereby admitted that a new act was required for that purpose.

It now only remains for me to announce to your lordship, that it is my intention to embark immediately at Plymouth, on board the ship Lark, for the United States, and to request that permission may be granted, as soon as may be, for the embarkation of my servants, baggage and the effects of this legation, and that the necessary passports may be furnished for my own and their safe conduct to that destination.

I hvail myself of this occasion to apprize your lordship that I am authorised by the government of the United States to leave Reuben Gaunt Beasely, esq. as its agent for prisoners of war in this country, and to desire that every necessary facility may be afforded him in the exercise of that trust, by the British government.

I have the honor to be, my lord, your lordship's most obedient humble servant,

(Signed) JONA. RUSSEL.

The right hon. lord viscount Castlereagh, &c.

MR. RUSSEL TO MR. MONROE.

London Sept. 3, 1812.

SIR—I enclose herein a copy of a note received yesterday from lord Castlereagh which will acquaint you that I have obtained my passports to return to the United States, and that Mr. Beasely is permitted to remain as agent for prisoners of war.

Immediately on demanding my passport I addressed to the consuls a circular, of which you will also find a copy enclosed.

The Swiftsure packet sailed on the 31st of last month from Falmouth for America, and it is very probable that she takes out instructions, suggested by the overture made here, but there is no reason to believe that they can be of a natute to satisfy the United States.

I have the honor to be, with great consideration, sir, your faithful and obedient servant, JONA. RUSSEL.

The hon. James Monroe, &c.

LORD CASTLEREAGH TO MR. RUSSEL.

Foreign-Office, September 2, 1812.

SIS—I have laid before his royal highness the Prince Regent, your letter of the 1st instant, in which you announce your intention to embark immediately at Plymouth on board the ship Lark, for the United States.

I have already had the honor of forwarding to you an admiralty order for protection of that ship as a cartel, on her voyage to America, and herewith enclose to you a passport for the free embarkation of yourself and family, in conformity to your request. The lords commissioners of his majesty's treasury will issue directions to the commissioners of the customs, to give every facility to the embarkation of your effects.

If, previous to your departure from England, you can point out to me any particular manner in which I can facilitate your arrangements, I beg that you will command my services.

His royal highness has commanded me to signify to you, for the information of your government, that there will be no difficulty in allowing Mr. Reuben Gaunt Beasely, as stated in your letter, to reside in this country, as the United States agent for prisoners of war.

I have the honor to subscribe myself, with great truth and consideration, sir, your most obedient humble servant,

(Signed) CASTLEREAGH.

J. Russel, esq &c. &c. &c.

LEGISLATURE OF NEW-YORK.

GOVERNOR'S SPEECH.

Gentlemen of the Senate, and of the Assembly,

A few days after the last adjournment of the legislature, a declaration of war was officially announced by the United States against the United Kingdom

of Great Britain and Ireland, and its dependencies. The great exposure of a vast range of our southern, northern and western frontier to annoyance from the enemy, and to the depredations of savages in alliance with them, rendered the proclamation of hostilities, during the recess of the legislature, an event peculiarly interesting to the citizens of this state, and imposed upon the executive a paramount duty to apply the resources which the foresight and liberality of the legislature had placed at my disposal, in such manner as not only to provide a security for the property and lives of the inhabitants of the frontiers, but also to subserve the national will, by facilitating the operations of the general government for a vigorous prosecution of the war as the most certain means of bringing it to a speedy and honorable termination. My endeavors to accomplish these objects, have been generously seconded by the officers and soldiers of the militia.

It was to be feared, whilst Great Britain held, not only the dommion of the ocean, but was permitted to maintain an undisputed supremacy on the lakes also, that the burthen of the militia of this state in the first campaign of the war, would be extremely arduous. Accordingly, most of the detached militia, together with a considerable number of independent, uniform and volunteer companies, have been called into actual service, either at New-York, Buffalo, Lewistown, Niagara, Oswego, Sacket's Harbor, Ogdensburg, or Plattsburg, or in the frontier towns between those places. It affords me great satisfaction, however, to inform you, that it is confidently expected that the appropriation made in June last to meet the emergency of invasion or war, will be adequate to defray all the expences hitherto incurred on the part of the state.

In reflecting upon the events and consequences of the war, from its commencement to the present period, we find more cause of exultation than could reasonably have been expected, considering the pacific structure of our national government, the enjoyment of nearly thirty years peace, the smallness of our navy, the very limited number of our regular and disciplined troops, and a temporary deficiency of many munitions. Nearly as great proportion of homeward bound merchantmen have escaped capture as has been customary during the last three or four years of peace. The market for the produce of the farmer has experienced an unexpected and unusual rise, instead of a depression. Upon the ocean and the lakes, wherever our gallant tars have come in contact with the enemy, their conduct has given lustre to the American character; and in some instances, their achievements have been brilliant beyond example. It cannot but be expected that the general government, impressed with the propriety, the justice, and the indispensible necessity of yielding more ample protection to our commerce, and of rendering the American nation more formidable in war, will increase our naval establishment to the extent warranted by the resources and spirit of the nation.

Although the surrender of the north-western army is greatly to be deplored, and tended to increase the difficulties which the militia of this state have had to encounter, and retard the operations of government; and although the attack on Queenston did not eventuate propitiously; yet it cannot for a moment be doubted, that the issue of the contest will be glorious to our country. Reverses were to be expected in the first outset of inexperienced troops.—These have originated, not in a want of valor in our soldiers or of resources in our country, but in the unavoidable difficulties, under existing circumstances, of directing the one, and developing the other, on a sudden emergency, with the greatest advantage. In the attack on Queenston, however, and in the affair of Brownston, prior to the surrender of Detroit, and on various other occasions, the army, and militia have invariably exhibited the deliberate and undaunted bravery of veterans.

I beg leave respectfully to recommend to your consideration the propriety of making suitable provisions for the families of those officers and soldiers of the militia of this state who have been disabled, or who have fallen in the battle of Queenston.

It has not been usual to protract the November meeting of the legislature beyond the time required to discharge the important trust of designating electors of President and Vice President of the United States; but an imperious duty requires that the case of John Bowman, convicted of the crime of murder before Mr. Justice Thompson, at the last court of oyer and terminer, held in the county of Herkimer, be submitted to your attention immediately. The official communication of the presiding judge is now delivered. The unequivocal guilt of the convict on the one hand, and his tender yeara on the other, make your duty, with respect to him, extremely delicate and responsible. This is the only matter of extraordinary nature which I shall, at present, press upon your notice. Should you, however, be disposed to devote attention, during the present session, to other subjects, upon the intimation of that intention, I shall do myself the honor of furnishing you, by special message, a detailed statement of the arrangements and proceedings which have been adopted subsequently to the declaration of war. In the mean time, I cannot refrain from seizing the earliest opportunity of suggesting some imperfections which experience has pointed out in the existing mode of detaching militia for public service, that the application of suitable remedies may be the subject of your reflections during the recess of the legislature.

All persons above the age of forty-five years, amongst whom it is to be presumed the greatest portion of wealth is distributed, and a great variety of persons under that age, are exempt from military duty altogether in time of peace, and there is no provision which subjects them to any contribution or duty in time of war. Besides, the penalty for the disobedience of those who are liable to military duty, and who are detached for actual service, is pecuniary only; and the fine is neither appropriated to the benefit of those whose circumstances do not enable them to evade actual service in that way, nor to provide substitutes for those who neglect to pay the penalty. The consequence is, that an affluent portion of the community do not participate in the dangers and burthens of service at all, and many of the most wealthy of those who may be detached, avoid taking the field by the payment of a trifling amount, scarcely exceeding the value of the requisite clothing and equipments to fit a soldier for service; whilst the more indigent, perhaps with young families to support, are alone subject to the sacrifices of supporting the government and defending the lives and property of their fellow-citizens, and receive a compensation, which, in comparison with their earnings at home, is but a mere pittance. Every principle of policy and justice requires, that some other system be devised, by which the hardships and perils of defending the country shall be more equitably diffused.

Gentlemen,

Notwithstanding differences of opinion upon a variety of local and other subjects may exist amongst us, yet in the propriety of respecting, and of yielding our exertions to support the national will, constitutionally expressed, and to preserve the rights, honor and character of the American nation unim-

paired, we must all heartily concur. Inspired by these sentiments, our united efforts, under the smiles of Providence, cannot but be honorable to ourselves, and conducive to the lasting happiness and prosperity of our beloved country.

DANIEL D. TOMPKINS.

Albany, November 3, 1812.

The following letter from judge Thompson to his excellency the governor, was the only document or paper accompanying the speech.

Albany, November 1, 1812.

SIR—At a court of oyer and terminer, held in and for the county of Herkimer in September last, a boy by the name of John Bowman was convicted of the murder of a female child between four and five years of age. The murder was perpetrated in June, 1811, at which time the convict was but little more than nine years of age. He was sentenced for execution on the fourth day of December next. This distant day was appointed for his execution, principally for the purpose of affording an opportunity of having his case submitted to the consideration of the legislature. I have not thought it necessary to report to your excellency the testimony given upon the trial, as I entertained no doubt of the propriety of the conviction. If a particular detail of the evidence is requested, it shall be furnished without delay. I shall at present only state generally, that the proof against him was clear and conclusive, to establish his guilt. Whether, however, considering his tender years, it would not be expedient to arrest his execution, by an exchange of punishment, is a question well worthy the consideration of the legislature. The propriety, therefore, of a communication to them on the subject, is respectfully submitted to your excellency. I am, with due respect, yours, &c.

SMITH THOMPSON.

To his excellency the governor.

Indian Treaty.

The following, is perhaps, the first instance in which the aboriginals of our country have formally renounced to each other, the principle of general retaliation, and is recorded as an important item in the history of this people.

A talk from a great medal Mingo of the Choctaw Lower Towns.

Council House, Chickesaws, 20th September, 1812.

Tootumastubbee, Great Medal chief of the Choctaws observed that he had but a short talk to give, and it should be a true one. Some white warriors had killed one of the peaceable Choctaw hunters in the Chickesaw country, their common hunting ground; that his brother wept for the loss: and the foolish, hasty Choctaw killed a lonely innocent traveller. The headmen do not approve of this conduct.—Our agent demanded the life of the murderer on account of his retaliating on the innocent, contrary to our stipulation by treaty; the council granted his request, but to gratify the family he belongs to, we have postponed the execution of him till we know whether the whites will punish the aggressor, as the Choctaw killed was perfectly innocent of any bad intentions; hunting on his own hunting ground, the Choctaw and Chickesaw countries being common to both nations for the purpose of hunting; and being at peace with all nations, were not apprehensive of any danger, and least of all from their brothers the white people; being so far from their settlements they did not expect they would be hunting enemies there: but if the white people will punish the person who trespassed on our hunting ground by killing one of our men, we are bound to kill the one who killed the innocent traveller—my heart is straight, and not for any more bloodshed. I would rather bury and forget all and begin anew, if this should be agreeable to our father the president of the United States. I request you to send this talk to our father the President. I also request you, our father, the agent of the Chickesaws, to try and recover the property of our two distressed hunters, which was taken from them by the whites, of which I have given you a list some time past: they are in very great distress, being robbed of their clothes and other articles.

We, the chiefs and warriors of the Cherokees, representatives of all the Cherokees west of the Mississippi, on the one part, and the great medal Mingoes Pukshunnabee and Mushoolatubbee or Tootumastubbee on the part of the Choctaws, agree:

1st. That there shall henceforth be perpetual peace between the two nations; that all past differences and animosities shall cease, and that the contracting parties shall also mutually endeavour to preserve peace between themselves and all other nations.

2d. It is hereby agreed between the contracting parties, that if any murder should hereafter be committed by any Cherokee or a Choctaw, or by any Choctaw or a Cherokee, the guilty person alone shall be held answerable and suffer for the crime, and that no innocent person shall suffer; and the said contracting parties furthur agree and pledge themselves, and respective nations, that from henceforth retaliation of murder on innocent person's shall forever cease and be abolished, any custom to the contrary notwithstanding.

3d. The Chickasaws as witnesses to this agreement, request to be made parties and on principles of reciprocity do hereby enter into the same obligations.

Done at the council house in the Chickesaw country this nineteenth day of September, in the year one thousand eight hundred and twelve, in witness whereof we have hereunto set our hands and seals.

Richard Fields *John Pitchlynn* *James Colbert.*	Interpreters.
(Signed) *Runnatoo* *Wakka*	Choctaw.
Pukashunnubbee, *Tootumastubbee,*	Choctaw.
Chunnubbeemingo, *George Colbert,*	Chickasaw.

In presence of James Robertson, U. States agent to the Chickasaw's, Silas Dinsmoor, United States agent to the Choctaw's; Hardy Perry, Charles Frazer, John L. Mizell, James Pitchlynn, James Gunn.

Swedish Diet.

Speech of the Crown Prince to the deputies of the estates, and their dismissal, the 18th of August, 1812.

To the Knighthood and Nobility.

Good gentlemen of the Knighthood and Nobility.

The assembly of the kingdom, which has now arrived at its conclusion, will be remarkable in the annals of our country. Notwithstanding that the din of arms resounds from the Dwina to the banks of the Tagus,—notwithstanding the animosity of some of our neighbors, your consultations have rendered themselves remarkable by that coolness which is always the proof of valor and justice.

The orders of knighthood and nobility have obtained fresh claims to their king's respect and friend-

ship; this estate will always follow the noble example of their forefathers;—and the sacrifice of life itself, when the honor of their country is concerned, will always be considered by them as the dearest and most precious of their privileges. Should circumstances require it—should there be no hopes for Sweden, pursuing her way in peace, then will your king have recourse to your manly courage; and our watch-word shall be, God, liberty and our native country.

To the Clergy.

Good men of the reverend class of the clergy.

I have perceived with pleasure, and have sufficiently understood to estimate the peace and unity which have been observed during this assemblage of the states of the kingdom. This unity,—this sympathy in sentiment, so seldom perceived in numerous assemblies, has chiefly proceeded from the proofs of patriotism and warm attachment which have been given by all the estates of the kingdom. May your hearts, therefore, receive the most lively recompense, in the consciousness of having contributed your efforts to a good purpose. On your return to your parishes, and to those places where the care of souls is reposed in you, endeavor to impress the commandments of Christ on every heart, and be never weary in spreading the benevolent light of his doctrine. Recommend to your prayers the king, our native country, and my son.

To the estate of Burghers.

Good men of the worthy class of citizens.

The useful and respectful class of which you are the deputies, will always enjoy the king's protection. Commerce, trade and national industry, are the chief supports of the prosperity of a country. The attention which the king has shewn to their increase, may render you assured that no unnecessary hindrances shall be laid in the way of your commercial speculations. His majesty hopes, that the estate of the Burghers will second his endeavors for the support of the general credit, and the continuance of its prosperity.

The king has with pleasure observed the unity which prevailed in your councils, when it was the question to raise money for the unavoidable exigencies of the state. I feel a real gratification in imparting to you this proof of his satisfaction.

To the estate of the Peasantry.

Worthy Swedes.—The love you have shewn towards your country—the proofs you have given of your attachment to his majesty's person, and to your country—would, if it were possible, increase the sentiments of regard for you with which I have been impressed ever since my first meeting you. Continue to render Sweden conspicuous by your valor and your virtues. May the populace in other countries attain to such deserved regard as your country gives to you. The king nourishes an unlimited confidence in your sentiment towards him, and will never neglect to call upon the assistance of your estate. He will always regard you as a support of his throne, and you may always account him as the first defender of your rights and privileges. Should the critical circumstances in which Europe is placed call on your children to defend our rights and our laws, I will go with them, participate in their toils, endeavor to relieve their necessities, and so long as danger threatens be to them a father.

Carry back to your habitations that spirit of union which his accompanied your steps in this diet; and again impress on those you left at home, that the happiness of the people consists in a close union with the regent, and in obedience to the laws of the kingdom.

Events of the War.

MILITARY.

General Tupper to General Harrison.

Urbana, Oct. 12th, 1812.

Sir—On receiving your orders of the 4th inst. to proceed to the Rapids with the whole force of mounted men under my command, whose horses were in a condition to perform the service; I caused an examination to be immediately had; and found that there still remained 960 men including officers, in a condition to march, including also capt. Bacon, and one other company which left us the morning following.

The beeves expected at gen. Winchester's camp, did not arrive so as to enable us to draw, till the morning of the 5th: A good number of the men were destitute of provision the day you left Defiance:—There being no flour to be issued to the mounted men, I ordered that eight days rations of beef should be drawn and immediately jerked, so as to lighten, and prepare it for the expedition, intending to move off on the evening of the 5th. On examining our ammunition it had been found that during the excessive rains which fell, while you was marching us from St. Mary's to Defiance, it had become so damaged as to be entirely useless; not two rounds of sound cartridges were left to a man—I ordered returns made, so that each man should be furnished with 12 rounds. This return amounted to 4500 cartridges for the musket men, exclusive of major Roper's battalion; the ammunition of the riflemen having received very little damage. Quarter-master Basey called on the quarter-master in gen. Winchester's camp and returned without a supply. About 1 o'clock this day, a man belonging to Manary's company of Rangers was killed and scalped across the Miami, within two hundred yards of our camp—I gave immediate orders to arms, and in five minutes to horse, but owing to our being compelled to confine our horses during the night, and graze them by day, for want of forage; the greater part at this moment were under keepers nearly one mile from our camp up the Auglaise: conceiving from the bold manner in which the Indians had approached our camp, that it was possible a considerable body was not distant, I wished to form the men and proceed over the river, by which we should be in a situation to contend with a considerable force, or pursue to effect a small one; in the mean time I permitted major Brush to cross over with about 50 foot to examine the bank and see in what direction the Indians had retired—but before he reached the opposite shore every horseman whose horse was in the camp was mounted to follow over. It was in vain I made an attempt to keep them back till they were formed, they broke off in numbers from two to thirty, mostly without their officers, and crossed the woods in every direction: a party of 15, fell on the trail of the Indians, and at seven or eight miles distance overtook them; but as the Indians were superior to them, and formed, our men without waiting for a discharge from the enemy returned to camp. Logan, and the other Indians in our camp, where of the opinion that there was a considerable force of the enemy lying down the river, and offered to spy down—Early on the following morning they left our camp with instructions to proceed four miles below the little Rapids, a distance of fourteen miles. They returned at evening, having found no trail of any size excepting the party which had been pursued, and those they computed at about forty; that they had proceeded on towards the waters of lake Michigan and not on the direction to the Rapids. That the British and Indians which had fled before general Winchester, had retreated with apparent precip

pitancy, drawing their carriages over large logs, and and tearing down every sapling that stood in their way.

Scarcely had this scout left our camp, when I received the following order from general Winchester—

"CAMP NEAR DEFIANCE, Oct. 6, 1812.

"SIR—Believing it to be essential that the Indians who committed the murder yesterday near your camp should be pursued and routed, or their strength and situation ascertained, and as that duty can be best, and most expeditiously done with mounted men, you will this morning pursue their trail with a part or the whole of your force, and dislodge, kill and destroy them if in your power:—This duty performed you can take the course directed by general Harrison. The attitude of the enemy requires this change in your destination, and as commanding officer of the north western army I have deemed it my duty to make it. If you do not return to report you will send an officer for that purpose.

(Signed) J. WINCHESTER, Brig. Gen.
Com. left wing N. W. army.

General Tupper."

I waited on general Winchester immediately on receipt of the foregoing order, informing him of having previously sent out a scout, and the object of it; that the Indians had the evening before been overtaken seven or eight miles from our camp; and their number computed at from 20 to 40. That in all probability they had then advanced too far to be overtaken without a long pursuit: that our horses were feeble, and that I wished to preserve as much of their strength as possible for the general object of the expedition; and that if it was agreeable to him we would wait the return of the scout, to take such measures as were deemed proper on their return.—General Winchester made no objections to this arrangement; at the same time I informed him that we had not three rounds of ammunition to a man, and requested of him to order me a supply. He replied to me that he would order his ammunition examined, and would endeavor to furnish me a part of what was required to complete the 12 rounds.—My brigade quarter-master attended this day and returned at evening with information that no ammunition could be had—Early the following morning I ordered the horses for a march and repaired to gen. Winchester's quarters and again requested a supply of two thousand cartridges, being about one third of the quantity required; without which I could not feel myself justifiable in proceeding on the expedition. In answer he stated to me, that he had but six thousand cartridges not issued; that his men had but very few in their boxes; that he had a good supply of powder and ball, but no paper; the latter was in the waggons and expected to arrive that or the day following—and then directed me to return to my camp and make report of the actual quantity on hand, and he would then inform me whether he would deliver the two thousand cartridges. I hasened back to my camp, and gave the necessary orders for furnishing the return; but in a few minutes after, received from general Winchester the following order.

GENERAL TUPPER—Longer delay consistent with strict military principles cannot be indulged; you will therefore proceed immediately on the reconnoitring duty ordered yesterday with the troops under your command, except col. Simral's corps who shall return without delay to the settlement, to recruit their horses, agreeably to general Harrison's orders.

(Signed) J. WINCHESTER, *Brig. Gen. &c.*

When col. Simral's company moved off, a large proportion of two companies of major Roper's battalion from Kentucky followed, which reduced that battalion, [being the whole force now remaining from Kentucky] to less than eighty men. I was indebted to col. Simral for all the cartridges he had excepting two rounds; but as the most of them had been damaged and dried, they did not add one sound round to each man. I was on the point of taking up the line of march to execute general Winchester's orders, when col. Allen, commanding a regiment of Kentucky troops in gen. Winchester's camp, came up, and informed me he had obtained leave to accompany me to the Rapids in any station I thought proper to place him, from a soldier upwards.—I thankfully accepted his services and caused him to be announced as an aid—Col. Allen proposed, that as it was gen. Winchester's wish that the troops should move on the direct route to the Rapids, that none should be taken but such as would go freely. The experiment was made, when about 400 volunteered for the service; scarcely had the troops moved forward from the ranks, when col. Allen beckoned me aside and shewed me an order which gen. Winchester had that moment forwarded to him, giving col. Allen the command of the men ordered for the Rapids—I requested of col. Allen a copy of this order, which he declined giving. It would be difficult for me to describe the state of my feelings at this moment: I turned to the troops which had refused to volunteer, and ordered them across the Auglaise on the route you directed me to take, as the best calculated to carry your orders into effect:—When it was found that general Winchester had superceded me in the command, the whole force from Ohio, crossed the Auglaise and refused to march as directed by gen. Winchester. Col. Allen and major Brush returned to general Winchester, who assured them he had mistook the object of col. Allen's request. General Winchester then proposed to divide the force and have a part to move on the direct route to the Rapids, the other to proceed by Tawa towns, to unite at a certain time 12 miles above the Rapids.—I was unwilling to consent to this measure; the force united was not half the number you thought necessary to order on the most secret route; a division of less than 500 men to meet in an enmy's country, where many circumstances might prevent their junction, was to me a measure I could only consent to by compulsion—this measure was in the end abandoned.

It is a duty I owe to col. Allen that I have not the smallest reason to believe, he was privy to the order of general Winchester, giving to him the command: his character, and every part of his conduct on that occasion, convinces me he is above it.

The whole force proceeded to Tawa towns where we reached the day following; early on the morning of the 9th I ordered the march for the Rapids, when at the distance of half a mile it was was found our whole force was reduced to 200 men exclusive of officers; the other part of the force had refused to march, and remained in the encampment: scarcely a man marched from the second battalion of colonel Findley's regiment, commanded by major Taylor.—Manary's company of U. S. Rangers, both officers and soldiers, refused to march.

When it was ascertained that our whole force for the Rapids was reduced to 200 men, I called a council of the officers to determine whether with that force it was advisable to proceed on to the Rapids.

The council considered that our force was not sufficient to carry the first object of your orders into effect; that we were too numerous to act as a spy party, and too weak to carry offensive operations into the the enemy's country; and that it would be

improper and unadvisable under those circumstances to continue the expedition.

With the then remaining force I proceeded to this place, where I directed col Finley and major Roper to discharge such men only as had continued to do their duty.

Thus, sir, has terminated an expedition, at one time capable of tearing the British flag from the walls at Detroit, wherein our troops might have returned with the pleasing reflection of having rendered their country an essential service.

It is a duty, sir, I owe to the officers of the Kentucks forces, to col. Findley and the officers of his first battalion, to say that they were zealous of pressing forward the expedition; while the officers of the second battalion, commanded by major Taylor, with few exceptions, were shrinking from their duty, and shamefully deserting the cause of their country.

The detaching of col. Simral's regiment from our force stands prominent among the causes of our failure; already was there a panic in some parts of our camp; the enemy that had retired at general Winchester's approach had been greatly magnified. The day succeeding the alarm general Winchester drew in one wing of his lines and strengthened his camp with a breast-work—even this circumstance was noticed, and urged as an evidence, that he apprehended a force superior to his own. Thus when imaginary obstacles, unite with those that are real to oppose the movement of a force so insubordinate, as that every man's will is his law, little can be expected to the officers, but a plentiful harvest of mortification and disgrace.

It cannot be denied that at the time those men refused to march, that there was a scarcity of provision in the camp, not three days rations of meat to each officer and soldier remained: and no bread or flour—But we had found at those towns, an abundant supply of good sound corn, together with nearly 30 bushels cured when green, or *tossamonona.*—Our sufferings with this supply could not have been great in going or returning from the Rapids.

The man whose courage and patriotism expires when his rations are reduced, ought never to place himself between his country and its enemies.

When you shall have examined and considered the whole causes of our failure, should doubts rest on your mind whether some part of it does not attach to my conduct, may I not hope, sir, that you will order a court of enquiry, that I may have an opportunity of meeting an investigation.

I have the honor to be, &c.

EDW. W. TUPPER, Brig. Gen.

Gen. William Henry Harrison.

REPORT OF THE BATTLE OF QUEENSTOWN.

[This account is furnished by a correspondent to the editor of the *National Intelligencer*, and is full of interest.]

On the 12th of October general Van Rensselaer had under his command about 5800 men, thus disposed: 2900 militia at or near Lewistown; 1300 regular troops, under general Smyth, near Black Rock, 28 miles from Lewistown; 500 militia and volunteers at Black Rock and Schlosser; about 300 men in 6 companies of field and light artillery, about 500 men of the 6th and 13 regiments, at Fort Niagara; about 300 regulars of the 23d regiment, under major Mullany, at the same place.

On the same day major-general Brock had under his command and under arms, at different ports, from and including Fort George and Fort Erie, 2800 men, of whom 2400 were disciplined troops of the 41st and 49th British regiments and Canadian flank companies, and 400 were Indians.

General Van Rensselaer decided to attempt to cross the river and attack the enemy's batteries at Queenstown, on the night of the 12th. The regular troops at Niagara, under lieut. col. Fenwick and major Mullany, were ordered up to Lewistown, and 13 boats were provided to effect the crossing.

The detachment that was to make the attack, consisted of some militia, under the command of col. Van Rensselaer, the general's aid-de-camp; a part of the 13th infantry, under lieut. col. Christie; and detachments of the 6th and 23d, under major Mullany; and colonel Van Rensselear was to command the whole.

At 3 o'clock, in the morning of the 13th of October, the detachment, about 400 men, marched from the camp near Lewistown.

Colonel Van Rensselaer crossed over. A grape shot from a battery below Queenstown, which enfiladed the crossing place, wounded lieut. col. Christie slightly in the hand, his pilot became confused, the boatmen frightened, and his boat returned. The boats with major Mullany fell below the landing, two of them were taken, and the major returned.

Lieutenant Valleau was killed in crossing;* and in ascending the bank, or on a small low flat at the water's edge, col. VanRensselaer, captain Armstrong, captain Malcolm, and captain Wool, were wounded; and ensign Morris killed.†

A party of British troops issued from an old Fort below Queenstown: they were fired on by the Americans, and retreated. The firing from a battery soon afterwards compelled the Americans to retreat under the bank.

To colonel Van Rensselaer, who lay there wounded, application was made by the officers for orders. He said that if the battery on the heights of Queenstown was taken possession of, the British must retreat or surrender. The men were rallied, and about 160 under the command of captain Wool, captain Ogilvie, lieut. Gansevoort, lieut. Randolph,‡ lieut. Carr, and lieut. Huginin, all of the regular troops, and lieut. Lush (brigade-major) of militia, mounted the rocks on the right of the battery, and carried it. Captain Wool ordered the artillery-men to take possession of the guns and turn them on the enemy; but it was found that lieut. Gansevoort had hastily spiked the cannon. The remainder of the detachment joined those who carried the battery.

Captain Wool discovered the British troops forming at Queenstown, and formed the troops under his command in line. Gen. Brock was at the head of the British troops and led them round about to the heights in the rear of the battery. Capt. Wool detached 160 men to meet the British; this detachment was driven back, reinforced, and the whole driven to the brink of the precipice forming the bank of the Niagara river above Queenstown.

At this moment some of the officers put a white handkerchief on a bayonet to hoist as a flag, with intention to surrender. Captain Wool enquired the object. It was answered that the party were nearly without ammunition, and that it was useless to sacrifice the lives of brave men. Captain Wool tore off the flag; ordered the officers to rally the men, and bring them to the charge. The order was executed, but in some confusion. The boasted 49th could not stand the American bayonet. The British troops were routed; and major-general Brock, in

*Captain Nelson was killed by a grape shot when preparing to embark.

†Brother to lieutenant Morris of the frigate Constitution.

‡The British officers speak highly of the valor of lieut. Randolph.

gallantly exerting himself to rally them, was struck by 3 balls, and killed. His aid, col. M'Donald, fell mortally wounded at the same time.

The British being completely driven from the heights about 10 o'clock, the line was reformed and flanking parties sent out.

After this brilliant success, reinforcements continued to arrive, under captain Gibson of light artillery, captain Mackesney of the 6th, captain Lawrence of the 13th infantry; and of colonels Allan, Mead, Stranahan, and other militia officers.

About 2 o'clock in the afternoon, brig. gen. Wadsworth of militia, lieut. col. Scott of artillery, lieut. col. Christie and major Mullany, crossed the river, and took the command of the American troops.—— Lieut. col. Christie ordered captain Wool to leave the field, and have his wounds dressed. He obeyed, crossed the river, had his wounds dressed, and re-crossed to the Canadian side, but acted no more during the day.

About 3 o'clock a party of Indians appeared in the direction of the village of Chippeway, and commenced an attack. As they approached through a wood and orchard, the American troops not knowing their numbers, at first gave way. Lieut. col. Scott made great exertions. He was in full dress; and his tall stature rendered him a conspicuous mark. Several Indians say they shot at him; but he remained unhurt. Lieut. col. Christie was remarked for his perfect composure and coolness. The Indians were soon defeated and fled to the woods, leaving several dead and one of their chiefs a prisoner.

As soon as this engagement was over, a body of British troops, with some light artillery, approached from Fort George. Exertions were made by gen. Van Rensselear§ to send over the militia. Two thousand of them remained on the American bank of the river, to which they had not been marched in any order, but had run as a mob. Not one of them would cross. The number of boats were at first insufficient; some of those had been lost or destroyed, and only three or four were left. And a great error had been committed in leaving undisturbed a battery below Queenstown, which enfiladed the ferry. The militia had seen the wounded; they had seen the Indians; and were panic struck. There were wretches who at this critical moment could talk of the *constitution*, and the right of the militia to refuse to cross the line!

The American troops had been scattered in pursuit of the Indians, and were somewhat surprised. They lost the precious time and opportunity of attacking the British as they ascended the heights. So soon as the British force, estimated at 800 men, was formed in line, flanked by some pieces of light artillery and Indians, the event was no longer doubtful.

The American troops formed in line to the number of 125 regulars, and 117 militia, with one piece of light artillery. This little band would have made a gallant resistance; but at that moment an order was received from general Van Rensselaer to retreat with an assurance that boats would be ready to receive the troops. They retreated in disorder down the hill to the bank, but there were no boats there. The Americans then surrendered. 386 regulars and 378 militia were reported prisoners, 62 of the regulars and 20 of the militia being wounded.

The number of either killed or wounded has not been ascertained. The highest estimate of the killed is 90. The loss of the British in killed was probably considerable less.

The whole loss in the battle may be estimated at 1000 men. And the desertion and discharges of the militia corps much reduced, may have diminished that description of force one thousand more.

It is not agreed whether the regulars or militia did their duty best.‖ The following facts will enable the reader to decide. And it is of some importance the government should know on what description of troops they may most rely.

There were present 2,900 militia and about 800 regulars. About *one half* or the whole number of regulars were taken prisoners, and about *one seventh* or the whole number of militia. Of the regulars taken, there were *thrice* as many wounded as of the militia, altho' the number of prisoners of each was nearly equal.

Captain Wool, the hero of the heights at Queenstown, is 26 years of age. It is presumed he will be brevetted or promoted.

List of officers taken prisoners in the battle of Queenstown:

Lieut. cols. *Fenwick, Scott and Christie*; captains *Ogilvie, Machesney and Gibson*; lieuts. *Turner, Clarke, Bayley, Kearney, Randolph, M'Cartey, Phelps, Totton, Carr, Summons, Finck and Huginnin*, and ensign *Reab*.¶

Much property has been destroyed at Detroit, by the savages. In event of Harrison's reaching the place, a general massacre is apprehended. But *Britain* is the "shield of afflicted humanity"—"she is *fighting* for the *religion* of the world!"

Major general Van Rensselear, on his return to Albany, has been received with great respect by his fellow citizens of that place.

Accounts from the westward give us reason to believe that very powerful bodies of Indians will spontaneously unbury the tomahawk, in favor of the United States, against those tribes that have committed unprovoked hostilities upon the Louisiana frontiers. A restless race, that, if not permitted to act for us, may, in the present state of things, be induced to act against us.

It is stated that 700 troops have arrived at Pensacola. The condition of the southern frontier becomes more and more interesting. But its defence is committed to an able officer, major general Pinkney, and he appears to be well supported.

About 10,000 troops, regulars, volunteers and militia, are now at Plattsburg. Immense quantities of military stores, of all kinds, are collected on the frontiers. Harrison's army, is, at this date, furnished with all the requisites for the most daring enterprise.

All the troops have removed from Greenbush to Plattsburg.

The legislature of Vermont have passed a bill appropriating $100 a year for the relief of the Cognawaga tribe of Indians, who have proposed to remain neutral, in the present war—and, if not permitted so to do by the British, to take up arms against them.

A letter from gen. Hopkins, dated at Vincennes, Sept. 29, to governor Shelby, says—"My present intention is to attack every settlement on the Wabash, and destroy their property, then fall upon the Illinois; and I trust in all the next month to perform much of it. Serious opposition I hardly apprehend, although I intend to be prepared for it." Excessive rains had prevented gen. H. from acting with that ra-

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§ The general at one time crossed the river, but never ascended to the heights.

‖Some volunteer riflemen are said to have behaved very well; particularly a company commanded by lieut. Smith, who took the Indian chief.

¶Capts. Gibson and Machesney, Lieutenants Totton and Randolph have since been exchanged.

pility he desired. The probability is that he will *clear out* all the Indian tribes within the great scope he has marked out for his operations. Sad the necessity, as detestable the *influence*, that compels the extirpation of the greater portion of this unfortunate race of men, within our territories.

The people of Kentucky are making liberal presents of clothing to the armies they have sent into the field. This species of force, however honorable to those embarked in it, is liable to many objections, on account of the increased hardships the soldier must endure—a little time, with *experience*, will, we trust, correct and avoid the present difficulties.

Two hundred recruits arrived in Charleston, S. C. on the 4th inst. from Columbia, and embarked for Fort Johnson. They are, generally, fine looking young men; and a part are of the 8th and 18th regiments U. States Infantry.

Several of the *King's-mountain-men*, famous for their exact observance of the orders of their commander, in days long past—which were, "*never fire until you see* AN *enemy*; *and never see an enemy without bringing him down*," have *volunteered* their services as members of the 70th regiment Virginia militia.—What an effect must such a proceeding have on the youth of the neighborhood!

Captain Lyon, editor of the "*Northern Budget*," published at Troy, N. Y. and of the militia of that state now on duty on the frontier, acting under the orders of major Lyon, commanding at *French mills*, crossed the line to the village of *St. Regis* on the 23rd ult. with his company; and after a smart brush, succeeded in defeating the enemy, killing some, and bringing back 40 prisoners, with their arms, colors, &c. without the loss of a man.

Captain Forsyth, of the United States riflemen, also passed over to *Ganauoqui*, in Upper Canada, for the purpose of taking the garrison at that place. But the enemy, after a brisk action retired to the woods. He brought off some arms and stores, with 12 prisoners—burnt the public store-house with such public property as he could not remove, and had one man killed and one wounded.

The non-arrival of the military stores, alluded to by capt. Wilkingson, in his letter to the editor (p.154) is now accounted for. The schooner Republican from the *Bayou St. John's* for *Fort Stoddert*, laden with ordnance and stores, has been captured in the *Bay of Mobile*. But whether by the *British* or *Spaniards* is not mentioned. The fact, in all respects, is the same. The probability is, she was captured by a tender of the British sloop of war *Brazen*, purchased and fitted out at *Pensacola*, which vessel is also to receive new masts at that place.

BURLINGTON, Vt. Oct. 29.—Yesterday arrived at Plattsburg, 40 prisoners of war, taken at St. Regis village, by a party of major Young, of Troy, who was stationed at St. Regis to watch the motion of the enemy. The baggage taken consisted of 800 blankets, guns, specie, &c. &c, as presents to the St. Regis tribe from governor Prevost, in order to flatter them from the service or friendship of the U. States, which was fully expressed in the dispatches taken in the engagement. A British ensign and 3 privates killed and one wounded, and only one wounded on the American side.

The friendship of the St. Regis Indians is well known, as three of their chiefs are with us—two at Montpelier, and one in this town.

Extract of a letter from an officer of rank in the southern army, dated

HOLLINGSWORTH'S, October 7, 1812.

"Contrary to my expectation, col. Newman left Picolatta on the 24th ult. for the Lotchway Towns, with seventy-five of his own men (the remainder of the detachment refusing to prolong their service—eighteen men of Neiley's volunteers and twelve patriots.) I was not informed of his movement until some days after he commenced his march. He had proceeded within seven miles of the first town, when, on the 27th, he met a party of Indians upwards of one hundred, all mounted. They appeared much surprised at seeing him and immediately dismounted, forming the line of battle, and advancing a few paces. Newman ordered the charge; and the Indians remained firm until the volunteers were within fifty paces of them, when they broke off for the swamps, which were on three sides of the battle ground. The fire of the Georgians did great execution. King Paine fell in this action, but his body was rescued by his warriors. This engagement lasted from 11 A. M. to 3 P. M.; the Indians lost 20 or 30 killed and wounded, with all their baggage, including provisions. Just before night of the same day, the action was renewed with great obstinacy on the part of the Indians, who had received a large reinforcement from their town, but were again repulsed with great loss. Newman finding his situation extremely hazardous from the increasing number of the enemy, who begun to surround him on all sides, and unable from his wounded, either to advance or retreat, threw up a small breastwork, in which he defended himself until the 4th inst. The Indians continued to harrass him day and night, and finding they could make no impression upon him, shot his horses. Soon after the first engagement, a messenger was dispatched to me for aid. Unfortunately his guide was not good, which protracted the journey some days. From my helpless condition, I could not give him that aid which was required; however 25 horsemen were raised, and instantly dispatched to his relief with provisions: unfortunately on their arrival (which was on the night of the 4th) the camp was evacuated, nor could they tell where Newman had gone to. They returned without accomplishing the object of their expedition. An express again arrived on the 5th, who informed that the Indians had continued daily their fire, but without effect; that on the 4th, from the perfect silence which had reigned in Newman's camp for one or two days previous, the Indians believed the work deserted, and approached within fifty paces of it, when they were so roughly handled as occasioned them to retreat with precipitation, having sustained considerable loss. Newman then decamped without molestation and retired ten miles on the Picolatta road, where he awaits the arrival of provisions and horses, of which he stands much in need. Fifteen men, being all that could procure horses able to perform the service, were dispatched to his relief. We have heard of his having lost five killed and seven wounded. The Indians in the different engagements could not have lost less than sixty killed and wounded.—Too much praise cannot be bestowed on this detachment for their intrepid conduct. I flatter myself the severe check which they have received will keep them quiet awhile; if not, it will be absolutely necessary to send a sufficient force to destroy all their towns in the province for the security of our frontier."

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NAVAL.

It is pleasing to observe the general testimony published by the British prisoners of the polite and gentlemanly treatment received from our privateers-men. Some excesses, no doubt, have been committed—but no persons, in general, have ever conducted themselves with so great propriety.

Arrived at the *port of Plattsburg* (lake Champlain) on Sunday the 27th ult. the United States sloop of

war President, capt. Billings, mounting 6 eighteens and 2 twelve pounders.

At *Sackett's Harbor*, about the 1st inst. the naval force of the United States, armed and manned by gallant crews, was on the point of sailing to meet the enemy. Commodore Chauncey had hoisted his broad pendant on board the Oneida of 18 guns, lieut. Woolsey, and his squadron consisted of one brig and *eleven* schooners—a power supposed sufficient to wrest the trident of the lake from the enemy.—We look-out for valiant deeds—for we cannot avoid believing that whenever *our sailors* touch the *British*, they must succeed. Every man of them, perhaps, has some private wrong to avenge, and thousands of them, while panting under the lash of "his majesty's officers, have prayed more devoutly than sailors ever did before, for the glorious opportunity of wiping off the indignity, in *honest war*—man for man.

The frigate, building in *Sackett's Horbor*, was expected to be ready for service about the 20th instant! ——Excellent proceedings.

The *prisoners* on board the cartel Potomac, that sailed a few days since from Boston for Halifax, made a violent attempt to prevent their return to the service of their *dearly beloved* sovereign. Several are supposed to have been drowned in effecting their escape; but only a few succeeded. The poor fellows would rather remain prisoners here than enjoy the *British freedom!* This spirit will work mightily, by and bye.

We observe with pleasure that some of our vessels with *British* licenses, for Europe, are adroitly turned from their course by our privateers—they are good prizes. *See the case of the brig Tulip, page* 71.

Gallant—but "unprofitable" contest—The Nonsuch privateer of Baltimore, captain Levely, carrying 12 twelve pound carronades, and (at that time) between 80 and 90 men, on the 28th of September fell in with a ship and schooner under British colors—the ship carrying sixteen 18 and 24 pound carronades, and 200 men, including soldiers, and the schooner six 4 pounders, and 60 men. "When within reach of the ship (says the log-book of the Nonsuch) she gave us a broadside; bore down upon her and hoisted American colors, and returned ten broadsides, accompanied each time with a heavy volley of musketry; the ship and schooner keeping up a heavy fire upon us with their great guns and musketry; the engagement lasted 3 hours and 20 minutes, when the bolts and breachings of our guns, fore and aft, were carried away both sides; we could then only fire our musketry, or should certainly have captured them both—dismounted several of the ship's guns, and damaged her very much in her hull and rigging.—From the confusion which appeared on board, we judge that we must have killed a number of men—she bore away for Martinico—we being much crippled in our rigging, could not pursue her. After getting our decks and rigging a little repaired, hauled to the N. and E. our sails and rigging cut to pieces fore and aft, and hull considerably damaged, having received one shot between wind and water, which caused her to leak considerably. Our crew all fought like true Americans.

"*Officers wounded.*—Mr. Wilkinson, dangerously in the body, since dead. Mr. Williams, prize-master, severely in the feet.

"*Seamen killed.*—Samuel Christain, Lewis Riley, and David M'Carthy, and six wounded."

[The ship has arrived at Barbadoes; had 7 killed and 16 wounded—among the former some persons of distinction. The British speak of the attack upon them as exceedingly brave.]

A Yankee trick.—Capt. Swtft, in the sloop Friendship, of Providence, (R. I.) was lately captured off Charleston by a British brig. In the night after the capture, during a heavy squall, and while the sloop was at anchor, *somebody* cut the cable, hoisted the jib, and plumped her ashore on Folly-Island, about 25 miles from Charleston, where the crew and passengers have arrived with their British prisoners.—The vessel will probably be lost, but most of her cargo is saved.

The United States brig Argus has arrived in the Delaware. She has sent into Philadelphia as a prize, the ship Adriane, from Alexandria for Lisbon, laden with 5000 barrels of flour, having a *British license.*

Copy of a letter received by the Secretary of the Navy from Commodore Rodgers:

U. S. Frigate President, at sea, Oct. 17, 1812.

SIR—I have the honor to acquaint you that on the 15th instant, near the Grand Bank, this ship, the Congress in company, captured the British king's packet Swallow, Joseph Morphew commander, bound from Kingston, Jamaica, to Falmouth. The rank of the commander of this vessel is that of a master and commander in the navy. She had no cargo on board except eighty-one boxes of gold and silver, amounting to between one hundred and fifty and two hundred thousand dollars. The specie I took out of her, and had intended sending her to England in the character of a cartel with her own crew: having fallen in with the American schooner Eleanor, bound from Baltimore to France, dismasted, induced me to change my first determination, and instead of sending her to England I have sent her to the United States in charge of the master and crew of the before mentioned schooner, who, at the moment of writing this, have charge of the Swallow with the schooner in tow, but which, as soon as the weather will permit, they intend abandoning, after having taken her cargo on board the Swallow.

I parted company with the United States and Argus five days since; they are not however far from me at present, I apprehend.

We have not seen a single British vessel of war as yet, except one frigate, which the want of wind and the approach of the night prevented our chasing with any effect; although from information afterwards received we must have passed very near a squadron of five frigates the evening preceding that on which we saw the one before mentioned.

I have the honor to be,
With the greatest respect, sir,
Your obedient servant,
JOHN RODGERS.

Hon. P. HAMILTON, sec'ry of the navy.

The Sarah-Ann privateer of Baltimore, by the fortune of war, after a brilliant cruize, has been captured and sent into New-Providence. In consequence of the following letter from capt. Moon, being received by a cartel at Charleston (S. C.) *twelve* British prisoners, including a midshipman were taken from the prison ship, and put into close confinement, to be detained as hostages:—

NASSAU, (N. P.) October 18, 1812.

Six of my crew, claimed as British subjects, were this day taken out of jail, and put on board his majesty's brig the Sappho, and sailed for Jamaica, where, it is said, they are to be tried for their lives. In consequence of this, I questioned each respectively as to the place of his nativity, and his title to protection by the American government, when they stated as follows—to wit:

David Dick, (seaman) says he was born in Marblehead, state of Massachusetts, where his parents, brothers and sisters now reside; is married in New-York, and his wife, (Mary Gaul) lives in Roosevelt-street, No. 37; has a regular discharge from the na-

ty of the United States, by capt. Hugh G. Campbell, dated at St. Mary's, (Geo.) 14th August, 1812. Says he has served on board the United States brig Vixen, and gun-boats Nos. 10 and 158; from the last of which he was discharged. Is 27 years of age, about 5 feet 7 inches high—brown hair—light complexion—entered on board the Sarah-Ann at Savannah.

Michael Pluck (O. Seama) says he was born in Baltimore—his parents are dead—but he is known by Wm. Doulan, Thomas Turner, and M'Don·ld all of Baltimore—has a sister in some part of Pennsylvania, whose name is Ann Welsh.—Was never at sea before—never had a protection—i 26 years of age, 5 feet 6 inches high, scar on his left cheek bone—entered on board the Sarah Ann at Baltimore.

Thomas Rogers (seaman) says he was born in Waterford in Ireland; but has resided many years in the United States, has been duly naturalized and a copy of his naturalization is filed in the custom-house at Baltimore—has a wife and 3 children in Baltimore, and is known there by Joseph Carey and John Rogers, the cork cutter, on the Causeway, has lost his protection, but requests Joseph Carey, to do all he can to effect his discharge from the British—Rogers entered on board the Sarah Ann at Baltimore.

George Robert, (a coloured man and seaman.)—This man I had not an oppportunity of questioning; but I know him to be a native born of the United States and of which fact he had every sufficient document, together with free papers. He entered on board the Sarah Ann at Baltimore where he is married.

Sonty Taylor (boy) says he was born in Hackensack, in New-Jersey, but has neither friends, relations, nor acquaintance there; says Jane Lawden, of Savannah, Geo. is his mother—never had a protection—is 15 years old—has brown hair and light complection—entered on board the Sarah Ann at Savannah.

RICHARD MOON.

Late commander of the privateer Sarah Ann.

American Prizes.

(WEEKLY LIST—CONTINUED FROM PAGE 159.)

247. Sloop Venus, of Jamaica, burnt by the Two Brothers of New-Orleans.

248. Brig Jane and Charlotte, laden with salt, coals, crates and a few bales of dry goods, sent into Salem by the America privateer.

249. Brig Francis, from St. John's, Porto Rico, for Martinique, laden with bullocks, sent into Charleston, by the Nonsuch of Baltimore.

250. Government brig and packet Swallow, 14 guns, 30 men, captured on the 15th ult. after a chase of 8 hours and sent into Baltimore, by the squadron under the command of com. Rodgers.—The Swallow was bound from Jamaica for Falmouth, and had on board the mail and 260,000$ in specie, which last was transferred to the President frigate.

251. Brig Porgie, from Antigua, laden with rum and molasses, sent into Norfolk, by the High-Flyer, on her second cruise.

252. Ship Ned, of Glasgow, 10 guns, 9 pounders, 16 men, laden with timber, sent into Salem, by the John and George privateer of that place, after a smart action. The John and George carries one 12 and two 3 pounders, and had on board 38 men, including officers.

253. Schooner ———, captured in the Bay of Fundy, laden with oil, seal skins, &c. sent into Salem, by the Fame of that port.

Offensive and Defensive!

PROGRESS OF MANUFACTURES.

Extract of a letter from a gentleman concerned in a woollen manufactory, at Middletown, (Con.) dated October 19, 1812.

"We are at present wholly engaged in manufacturing with the fine Spanish wool, a branch of business which yields us a better profit, and commands a steadier sale than coarse wool; we may, however, engage in the manufacture of the latter in the ensuing spring—Our establishment is now the most considerable in the United States for fine cloths and cassimeres—we every day furnish from thirty to forty yards of broad cloth, which sells at from nine to ten dollars per yard by the piece, and we shall soon be able to furnish double that quantity. The difficulty of getting good workmen is now surmounted, and we are no longer dependent upon Europe, as our countrymen and apprentices are able to exercise every branch of the business.

"The woollen manufactories are indeed making great progress in the northern section of the union—blankets are made in this state in very considerable quantities—small factories for coarse woollen cloths are getting into operation in all directions.

"We think that the superfine cloths that we now make are superior to most of the imported superfines; and the quantity made here, at Northampton and at other places, is so great that a large amount of foreign cloth will be excluded from our market. The enterprize of our people is beyond that of all other nations, and you may be assured that Europe will find the Yankees the most powerful rival in all her valuable manufactures, as soon as the want of them shall be a little more pressing on this side of the Atlantic." [*Aurora.*

Frontier Distances.

The following tables have been compiled for easy reference, as well as for the particular use of those who have not the advantage of examining a good map of the seats of war. Accuracy is not affected in things of this kind, for we know it is impossible to attain it; but the tables will subserve the common purposes, and gratify a laudable curiosity. The distances marked thus † are given in *right lines*, as they appear on the map, without regard to the usual roads, or any natural obstructions whatever, for which the examiner will make his own allowances. The distances marked with a *, have regard to the usual roads, and are supposed to be correct—those without marks, by far the most interesting, are derived from high authorities, and given as nearly accurate. We acknowledge ourselves much indebted for many of them to an excellent map, lately published by Mr. *Mellish*, which we beg leave most heartily to recommend to our readers.

Fort George is opposite Fort Niagara,
Lewistown is opposite Queenstown,
Fort Erie is opposite Buffaloe,
Prescot is opposite Ogdensburg,

Lewistown is about 6 miles south of Fort Niagara, and below the falls.

Buffalo is at the bottom of Lake Erie, near the head of Niagara river, above the falls.

Newark is a short distance below Fort George.

York, in Upper Canada, is on the north side of lake Ontario, distant about 35 miles in a direct line from Fort Niagara, and 210 from Malden.

Kingston, U. C. is at the head of the St Lawrence, about 35 miles from Sackett's Harbor, 175 from York, and 200 from Montreal.

Pittsburg												
105	Meadville											
147	42	Erie										
238	133	91	Buffaloe, N. Y.									
156	80*	100	191	Cleveland								
175*	156*	176	267	76	Sandusky							
198	260*	280†	371	180*	164	Chilicothe						
226	240*	280*	351	160*	100*	66	Urbana					
260*	246*	266*	357*	166*	90*	166*	100*	Fort Wayne				
250†	216*	236*	327*	136*	60*	156*	90*	30	Fort Defiance			
220*	186*	206	297	106	30	181*	115*	78	48	Miami old fort		
243*	224*	244	335	144	68	219	153	116	86	38	R. Raisin	
267	258*	268	359	168	92	256*	177	140	110	62	24	B'stown
298*	264*	284	375	184	108*	272	193	156	126	78	40	16 Detroit

Albany										
248	Batavia									
308	63	Fort Niagara								
298	50	34	Buffaloe							
339	141	133	91	Erie (Pa.)						
180	120†	161†	159†	250†	Sackett's Harbor					
245*	175†	205†	221†	320†	74	Ogdensburg				
172	275†	310†	312†	400†	150†	110†	Plattsburg			
199	295†	320†	335†	420†	175†	125†	27	Isle aux Noix or Bline		
238	300†	330†	340†	430†	224*	130*	66	41	Montreal	
408*	440†	460†	470†	560†	320†	250†	277	211	170	Quebec

"The right of Impressment."

From the president's message and its accompanying documents, it seems as if the present controversy with *Great Britain*, would chiefly hinge on the "*right of impressment*," as it is strangely called, by some on both sides of the Atlantic. It is true, that the enemy has not manifested a disposition to abandon the *principle* contended for in his various orders in council, which went "*to bind us in all cases whatsoever*;" but it is thought or understood, that this matter may be more easily adjusted, than what *we* have always considered the great ground of complaint: *viz.* the impressment of our seamen.

"The right of impressment!"—the *right* of the *robber* of the the Pyrenees to the *body* and purse of the traveller—the *right* of the *negro-stealer* to the person of the slave he kidnaps! But lord *Castlereagh* sanctions this "right" by *common law*, and expresses his "*surprize*" at our demand that "the British government should desist from its *ancient* and accustomed practice of impressing *British* seamen from the merchant ships of foreign states." See page 164.

If usage sanctions a practice or makes a right—the robbers of the Pyrenees and slave-stealers, may claim it much better than the British ministry: the latter are *modern* workmen. But neither the ancient or modern land or water *man-stealers*, have been able to induce any "foreign state" to acknowledge a "right" in the practices they pursue. Like the children of *Ismael*, every man's hand is against them, all. Nay, even the *British* laws themselves justify a *British* subject, in his own land, and therefore, of all men, the most immediately under the controul and disposal of his government, in resisting the press-gang, at the expence of their lives. If then an *Englishman* may forbid the entry of the man-stealer into his house, and punish, with instant death, the attempted violence on his person, shall not the AMERICAN, in his own ship, deny a *British* trespass, and resist it to the utmost of his power? Abominable impudence!—Why, *our* war against impressment, might be *legally* sustained in the court of King's bench!

The proposition of the executive, that a law should pass to forbid the employment of British seamen on board American vessels, to deprive Britain of her *darling plea*, was dictated by an honest desire for the restoration of peace, on honorable terms. The rejection of it will not "surprise" any who have diligently regarded the practice of the British government in this matter; *for the plea is absolutely false*. Granted, that Great Britain has, occasionally, given up a few of our seamen, after months and years of involuntary servitude; for which, as they have not *entered* on the king's books, *they do not receive a farthing*; being, not only compelled to serve against their will, but deprived of the pittance they so hardly earn, by their *obstinate* attachment to their *wives, families* and *country*—but this has been done only to keep up appearances, and sustain a party in the United States. The seamen released are just as liable to be impressed, a second time, as others; and hundreds of them have been. Besides, the practice has unceasingly continued; and *Germans, Swedes* and *Spaniards* are as likely to be impressed, if found in our vessels, as *Americans* themselves. Will Lord Castlereagh justify this abuse by pretending that it is "impossible to distinguish" a *Dutchman*, a *Swede* or a *Spaniard* from an *Englishman?* The pretence is as absurd as the practice is monstrous. It is all a lie. King *George*, wants men to support him in his "abominations;" and he will get them, if he can—on the same principle that the robber obtains the purse of the traveller, or the negro-stealer the person of the slave.

The rejection of the proposition of the president should rouse the indignation of "every man, woman and child in America," and make us unanimous for an active and an *endless war*, rather than this hateful thing should be permitted; and we are pleased to observe that the ground taken in the president's message has deprived party of its sting, and touched the honest heart of every man that loves his country. Our cause is just, and heaven will bless it with union; and in union we shall soon find an honorable peace, the desire of the American people, and the true interest of both nations.

☞ In the *naval* department of the "events of war," will be found an interesting article, shewing another *British* pretension that must be corrected *by retaliation*, if other means fail.

Constitution of the U. States.

AMENDMENTS PROPOSED.

The illustrious men who framed the Constitution of the United States, certainly succeeded in digesting the noblest system of government that had ever been proposed to any people. The fountains of wisdom, with all the advantages of the experience of the ancient and modern world, were freely opened to them—but they were mortal, though of the best and most enlightened of their race; and their labor was found imperfect in many important particulars. Some parts have been rectified in the manner they themselves so prudently appointed, to correct theory by practice. Perhaps other amendments, quite as interesting as any yet adopted, remain to be made.

We take the liberty to propose two—calculated to prevent abuses, and in strict obedience to the generous spirit of the constitution itself, built upon and sustained by the *voice of the people*.

We propose——

That every state, at the session of its legislature next succeeding every census and apportionment of the people of the United States, and their representatives in congress, shall be laid off into districts, in each of which [as the case may be] the people qualified to vote, shall elect, *one* member of the House of Representatives of the United States, or *one* elector of a President and Vice-President of the United States, and no more—each of which districts shall, as nearly as may be, contain an equal number of qualified inhabitants, as shall appear from the census last taken; and the said districts shall not be altered but in consequence of a new census and apportionment, as aforesaid. Provided, however, that the said states shall be so districted, according to the census of 1810, at the first session of their several legislatures after these amendments are constitutionally adopted and ratified.

There is no use to multiply words in favor of these propositions. Their simple object is to prevent, as much as possible, that species of *electioneering juggling* that has disgraced the great parties in the U. States, and will bear equally on both. They are calculated to secure to the people the *right of suffrage*; which, in many instances, by the thing called *management*, has been grossly violated. They will give to the citizen his full weight in the government; for his vote will not be overwhelmed, by general tickets, cunningly devised and arbitrary districts, or legislative usurpations. We have made no *calculation* whether the adoption of these amendments would subserve the interests of the "republicans" or the "federalists"——being satisfied that they are just and necessary, to destroy intrigue and give better effect to the will of the people. They are such as all parties will, or ought to, unite in, who regard, or affect to regard, the right of suffrage.

Proceedings of Congress.

The senate and house of representatives have, as usual, dissected the President's message and referred its several parts to different select committees.

The following is a list of the several standing committees of the house, as customary:

Committee of Ways and Means.—Messrs. Cheves, Bibb, Pleasants, Roberts, Johnson, Pitkin and Fisk.

Committee of Commerce and Manufactures.—Messrs. Newton, Lowndes, Mitchill, M'Kim, Seybert, Champion and Widgery.

Committee on the Public Lands.—Messrs. Morrow, Blackledge, Lacock, Wilson, Ormsby, Boyd and Bigelow.

Committee of Claims.—Messrs. Gholson, Brown, Moseley, Shaw, Sage, Archer and Stanford.

Committee on the Post Offices and Post Roads.—Messrs. Rhea, Lyle, Dinsmoor, Chittenden, King, Bolling, Hall and Shaw.

Committee for the District of Columbia.—Messrs. Lewis, Ringgold, Pearson, Bard, Baker, Condit and Kent.

Committee of Elections.—Messrs. Findley, Macon, Davenport, Troup, Dawson, Emott and Alston.

Committee of Accounts.—Messrs. Turner, Little and Pickens.

Committee of Revisal and Unfinished Business.—Messrs. Basset, Ely and Jackson.

Committee of Foreign Relations.—Messrs. Smilie, Calhoun, Grundy, Goldsborough, Macon, Nelson, Harper, Desha and Seaver.

Committee on Military matters.—Messrs. Williams, Sevier, Lyle, Troup, Lowndes, Stuart, Wright, Chittenden and Avery.

Committee on Naval Affairs.—Messrs. Basset, Bleecker, Hyneman, Bacon, Widgery, Alston, Milnor, Dawson and Stow.

House of Representatives, Nov. 5.

The following message was received from the President of the U. States, by Mr. Coles, his secretary.

To the senate and house of representatives of the U. States.

The bill entitled "An act supplementary to the acts heretofore passed on the subject of an uniform rule of naturalization," which passed the two houses at the last session of congress, having appeared to me liable to abuse by aliens having no real purpose of effectuating a naturalization, and therefore not being signed, and having been presented at an hour too near the close of the session to be returned with objections for re-consideration, the bill failed to become a law. I recommend that provision be now made in favor of aliens entitled to the contemplated benefit, under such regulations as will prevent advantage being taken of it for improper purposes.

JAMES. MADISON.

Nov. 6, 1812.

The above message having been read, was referred to a select committee of five.

Another message was also received, as follows:

To the senate and house of representatives of the U. States.

I transmit to congress copies of the correspondences between the department of war and the governors of Massachusetts and Connecticut, referred to in my message of the 4th instant.

JAMES MADISON.

Nov. 6, 1812.

This message, with the documents to which it refers, was referred to a committee of the whole house on the state of the union.

EXPORTATION OF BREAD STUFFS.

Mr. *Harper* having stated that he had a motion to make which in his opinion required secrecy, the house was cleared of strangers, and so remained till 3 o'clock, when the house adjourned, and it appeared that the injunction of secrecy on the proceedings had been removed; and that the motion submitted by Mr. Harper was as follow:

Resolved, That the committee of commerce and manufactures be instructed to enquire into the expediency of prohibiting by law the exportation of flour and other bread stuffs from the United States and the territories thereof, and that they report by bill or otherwise.

The question whether this proposition required secrecy during its discussion, was decided in the affirmative—yeas 68, nays 39.

Mr. *Newton* moved to amend the resolutions by striking out all after the word "That," and inserting "the exportation of flour and bread stuffs, from the United States and their territories, ought to be prohibited by law."

This motion was negatived.

The question was then taken on the passage of the resolution, and decided as follow:

YEAS.—Messrs. Bard, Bibb, Blackledge, Carr, M Clay, Crawford, Cutts, Desha, Dinsmoor, Earle, Fisk, Franklin, Green, H. Hall, O. Hall, Harper, Macon, Moore, Mitchill, Newton, Pond, Seaver, Seybert, Strong, Williams, Widgery—26.

NAYS.—Messrs. Alston, Anderson, Archer, Avery, Bacon, Baker, Basset, Bigelow, Bleecker, Boyd, Brigham, Brown, Butler, Calhoun, Champion, Cheves, Chittenden, Condit, Davenport, Dawson, Ely, Emott,

Findley, Fitch, Gholson, Goldsborough, Goodwyn, Grundy, Hawes, Hufty, Hyneman, Jackson, Johnson, Kent, King, Lacock, Law, Lowndes, Lyle, Maxwell, M'Bryde, M'Coy, M'Kim, Metcalf, Milnor, Morrow, Moseley, Nelson, Newbold, Ormsby, Pearson, Pickens, Pitkin, Pleasants, Richardson, Ringgold, Rhea, Roane, Roberts, Rodman, Sammons, Sevier, Shaw, G. Smith, J. Smith, Stanford, Stuart, Sturges, Tracy, Troup, Turner, Van Cortlandt, Wheaton, White, Wilson, Wright.—76.

So the motion was negatived by a large majority.

On motion of Mr. *Goldsborough*, the injunction of secrecy was removed from these proceedings.

Adjourned to Monday.

November 9.—A proposition was submitted for a reduction of the duties on goods captured by the privateers—Referred. Mr. Bacon, after a few remarks, offered the following resolution, which was agreed to—

Resolved, That the committee on military affairs be instructed to enquire into the expediency of providing by law for exempting altogether from liability to arrest, or being taken in execution for debt, of any non-commissioned officer, musician or private belonging to the army of the United States, or to any volunteer corps, when called into service pursuant to law.

THE CHRONICLE.

The following gentlemen have been *appointed* electors of president and vice-president by the legislature of New-Jersey: Matthew Whilden of Cape May; William B. Ewing of Cumberland; Franklin Davenport of Gloucester; Jacob Losey of Morris; Wm. M'Gill of Hunterdon; Elias Conover of Monmouth; Andrew Howell of Somerset; Jonas Wade of Essex.

The siege of Cadiz has been raised.

It is said that the British government have discontinued granting licenses for the transportation of provisions from the United States. It would be a fact well to ascertain—if the *American* merchant who received this important news from London, is not desirous of purchasing a large quantity of flour? We trust however, that means will be adopted to render the *protection of the enemy* unavailing, and that his supplies will be cut off.

Mr. Russel, our late charge d' affaires at London, has arrived at New-York in the ship Lark.

A great battle is stated to have been fought between the French and Russians near Majaiok, about 60 miles from *Moscow*, on the 7th of September. It lasted from 7 o'clock in the morning till 3 o'clock P. M. when the Russians were completely defeated. Bonaparte commanded in person, and was on horseback at 7 in the evening, directing the pursuit. Particulars are not received.

Massena has entered Spain with 40,000 men. The success of the British at Salamanca and subsequent entry into Madrid, has added much to the strength of the allies; and other great and bloody battles may be expected.

Gen. Levin Winder, was elected governor of Maryland, in joint meeting of the senate and house of delegates on Monday last. The votes were

For Gen. Winder (federalist) . . . 52
Robert Bowie (republican) . . . 29

The council consists of Alexander C. Magruder, Benj. Stoddert, Wm. H. Ward (Cecil) Walter Dorsey, and B. Martin (Dorchester) all federalists.

Vermont has appointed "Madisonian" electors.

Maryland representation in the 13th Congress.—Messrs. Alexander M'Kim, Nicholas R. Moore, Joseph Kent, Samuel Ringgold, Stephenson Archer and Robert Wright, republicans; and Messrs. Philip Stewart, Alexander C. Hanson and Charles Goldsborough, federalists. All the old members were re-elected, except Mr. Moore in the place of Mr. Little, and Mr. Hanson in the place of Mr. Key. The political character of the representation is unchanged.

Price of stocks, London, Sept. 28. 3 per cent. consols, 58 1-4.

Zera Colburn, the famous American mathematical prodigy, aged 8 years, is now exhibiting his talents in London, and is said greatly to have ASTONISHED *his royal highness Frederick duke of York and Albany, field marshal and commander-in-chief, &c.*—We have a thousand boys, 8 years old, that might *school the prince*—at least if *they* could not write better letters than *his*, to Mr. *Clark*, would be flogged.

New Hampshire has chosen her electors of president and members of congress—they are all federalists, by a majority of more than 2000. We have not particulars. The election in Massachusetts for members of congress, *it is said*, have eventuated in the choice of 16 federalists and 4 republicans.

A letter from *Nachitoches*, dated Sept. 5, says that 500 men, principally "late" citizens of the United States, under col. Magee, were in full march for the Spanish post of St. Antonio, in Mexico. Their force was hourly increasing—several gentlemen of respectability are in the ranks, and the most brilliant prospects were before them. The governor of Louisiana, far distant from the scene of action, had in vain attempted to prevent the excursion.

Our private letters from Ohio give great majorities of the Madison-electoral ticket. In many counties there was hardly what might be called an opposition.

American trade to the Baltic.—Goods passed the Sound for Baltic markets, paying the dues at Elsineur, in 103 American vessels, from January 1, to December 1, 1811, to the value of $ 927,109 17 cts. in domestic produce of the U. States, and $2,191,144 36 cts. in foreign produce—total $ 3,118,253 53 cts.

Criminals in London.—The returns on the table of the house of commons, shew a great increase in the number of criminals in the metropolis: in 1806, they were 899; in 1807, 1017; in 1808, 1110; in 1809, 1342, and in 1810, 1424.—Sir S. Romilly ascribes the increase to three causes: 1st, the punishment of labor on board the *hulks*, where the youngest and oldest villains are kept together; 2d, the practice of giving *rewards* for the detection of particular criminals; 3d, the *lotteries* which reduced thousands to poverty, the mother of all crimes.

The Comet.—Dr. Herschel has given in a paper to the Royal Society on the late comet; he estimates the length of tail, on the 1st October, at 100 millions of miles; its shape a hollow cone emitting light on all sides; the luminous matter around the planetary nucleus, as of a phosphoric nature. *Lon. paf.*

Necessity compels us, for the present, to lay aside our projected series of the constitutions of the several states. It is *inconvenient*, at this time, to issue supplements, and without them we cannot obtain the room demanded by other matter of more immediate or more various interest. But all the constitutions shall be inserted in the *present volume*, by the aid of supplements or other means; to be succeeded by the *declaration of independence*, with the *rough draft* thereof, by Mr. *Jefferson*, and the *counter declaration*, issued at New-York, *contrasted*.

Nothing, of moment, has yet occured in congress. Without inserting a *regular* journal of their proceedings, we shall publish and preserve all important matters.

THE WEEKLY REGISTER.

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Hæc olim meminisse juvabit.—Virgil.

Printed and published by H. Niles, South-st. next door to the Merchants' Coffee House, at $ 5 *per annum*.

Message from the President.

The following important message was received by both houses of congress, on Friday the 13th inst.

To the Senate, and House of Representatives of the United States.

For the further information of congress, relative to the pacific advances made on the part of this government to that of Great Britain, and the manner in which they have been met by the latter, I transmit the sequel of the communications on that subject, received from the late charge d'affairs at London.

JAMES MADISON.

November 12, 1812.

Documents accompanying the Message.

MR. RUSSEL TO MR. MONROE.

London, 19*th September*, 1812.

Sir—On the 12th inst. I received your letter of the 27th July last, and the copies of my note to lord Castlereagh, and of his lordship's reply enclosed herein, will inform you that the propositions, made in consequence of it, have been rejected.

As I have but this moment heard of the immediate departure of the Friends, I have time only to add, that I have received the communications of Mr. Graham of the 9th and 10th of August, by the Gleaner, and that I leave London this evening, to embark on board the Lark, at Plymouth, for New-York.

I am, with great respect and consideration, sir, your faithful and obedient servant,

(Signed) JONA. RUSSEL.

Postscript.—An interesting interview took place between lord Castlereagh and myself on the 16th inst. the account of which I must, for want of time, reserve until I have the honor to see you.

MR. RUSSEL TO LORD CASTLEREAGH.

18, *Bentinck-street, Sept.* 12, 1812.

(Private.)

My Lord—In consequence of additional instructions which I received from my government this morning, I called about noon at the foreign office, and found, with regret, that your lordship was out of town. My object was to communicate to your lordship the powers under which I act, that you might perceive their validity and extent. I have, however, sought to state them substantially in the official letter which I have herewith the honor to transmit to your lordship, but should you find any thing that stands in need of explanation, previous to being submitted to his royal highness, I shall remain at 18, Bentinck-street, to receive the commands of your lordship. If your lordship could, in courtesy, find any motive in my personal convenience to hasten a decision upon the propositions which I have submitted; the season of the year, my anxiety to depart (all my arrangements being made, and all my baggage having left town) and the detention of the Lark at much expense, will plead powerfully in my favor.

I have the honor to be, with great consideration, your lordship's very obedient and humble servant,

(Signed) JONA. RUSSEL.

Lord viscount Castlereagh, &c. &c. &c.

MR. RUSSEL TO LORD CASTLEREAGH.

18, *Bentinck-street, Sept.* 12, 1812.

My Lord—I hasten, authorised by instructions recently received from the government of the United States, and urged by an unfeigned anxiety to arrest the calamities of war, to propose to your lordship a convention for the suspension of hostilities, to take effect at such time as may be mutually agreed upon, and stipulating that each party shall forthwith appoint commissioners, with full powers to form a treaty, which shall provide, by reciprocal arrangements, for the security of their seamen, from being taken or employed in the service of the other power; for the regulation of their commerce, and all other interesting questions now depending between them, and that the armistice shall not cease without such previous notice by one to the other party, as may be agreed upon, and shall not be understood as having any other effect, than merely to suspend military operations by land and by sea.

In proposing to your lordship these terms for a suspension of hostilities, I am instructed to come to a clear and distinct understanding with his Britannic majesty's government, without requiring it to be formal, concerning impressment, comprising in it the discharge of the citizens of the United States already impressed; and concerning future blockades; the revocation of the orders in council being confirmed.

Your lordship is aware that the power of the government of the United States to prohibit the employment of British seamen must be exercised in the sense and spirit of the constitution; but there is no reason to doubt but that it will be so exercised effectually and with good faith.

Such a measure, as it might by suitable regulations and penalties be made completely effectual and satisfactory, would operate almost exclusively in favor of Great Britain; for as few American seamen ever enter voluntarily into the British service, the reciprocity would be nominal, and it is sincerely believed that it would be more than an equivalent for any advantage she may derive from impressment.

By the proposition which I have now the honor to make in behalf of my government, your lordship will perceive the earnest desire of the president to remove every obstacle to an accommodation, which consists merely of form: and to secure the rights and interests of the U. States in a manner the most satisfactory and honorable to Great Britain as well as to America.

The importance of the overture now made, will, I trust, obtain for it the early consideration of his royal highness the Prince Regent, and I shall detain the vessel in which I have taken my passage to the United States, until I have the honor to learn his decision.

I have the honor to be, my lord, with high consideration, your lordship's most obedient servant,

(Signed) JONA. RUSSEL.

Lord viscount Castlereagh, &c. &c. &c.

LORD CASTLEREAGH TO MR. RUSSEL.

Lord Castlereagh presents his compliments to Mr. Russel and requests to have the honor of seeing

him at his house in St James's Square, at 9 o'clock this evening.

Foreign office, Sept. 16, 1812.

N. B. Received a little before five o'clock.

MR. HAMILTON TO MR. RUSSEL.

DEAR SIR—I have not seen lord Castlereagh since his receipt of your two letters of the ——— but have received his directions to say to you that he is concerned that he cannot have it in his power to reply to them for a few days; or would have had much pleasure in attending immediately to your request in that respect. You may be assured that no delay will take place which can be avoided.

I am, dear sir, faithfully yours.

W. HAMILTON.

Foreign Office, Sept. 16, 1812.

Jonathan Russel, Esq. &c.

MR. RUSSEL TO MR. HAMILTON.

DEAR SIR—I have learnt with much regret and disappointment, that lord Castlereagh has directed you to inform me that it is not in his power to give an immediate answer to the last letters which I have had the honor to address to him. The object of those letters was of a nature to require an early decision. Reluctant, however, by any precipitancy on my part to protract the present unhappy relations between the two countries, I beg you to acquaint his lordship that I shall remain in town until Sunday, (the 20th instant) when, unless some special and satisfactory reason be assigned for a longer delay, I shall consider it to be my duty to proceed to Plymouth to embark for the United States.

I am, dear sir, with great truth and respect, your obedient servant,

(Signed) JONA. RUSSEL.

18 *Bentinck-street*, 16*th Sept.* 1812.

N. B. Sent at 3 o'clock.

LORD CASTLEREAGH TO MR. RUSSEL.

Foreign Office, Sept. 18*th*, 1812.

SIR—Under the explanations you have afforded me of the nature of the instructions which you have received from your government, I have, as on the preceding occasion, been induced to lay your letter of the 12th instant before his royal highness the Prince Regent.

His royal highness commands me to express to you his regret that he cannot perceive any substantial difference between the proposition for a suspension of hostilities which you are now directed to make, and that which was contained in your letter of the 24th of August last. The form of the proposed arrangement, it is true, is different; but it only appears to aim at executing the same purpose in a more covert, and therefore, in a more objectionable manner.

You are now directed to require as preliminary to a suspension of hostilities, a clear and distinct understanding, without, however, requiring it to be formal on all the points referred to in your former proposition. It is obvious, that were this proposal acceded to, the discussion on the several points must substantially precede the understanding required.

This course of proceeding, as bearing on the face of it a character of disguise, as not only felt to be in principle inadmissable, but is unlikely to lead in practice to any advantageous result; as it does not appear on the important subject of impressment that you are either authorised to propose any specific plan, with reference to which the suspension of that practice should be made a subject of deliberation, or that you have received any instructions for the guidance of your conduct on some of the leading principles, which such a discussion must in the first instance involve.

Under these circumstances the Prince Regent sincerely laments that he does not feel himself enabled to depart from the decision, which I was directed to convey to you in my letter of the 2d inst.

I have the honor to be, sir, your most obedient servant,

CASTLEREAGH.

Jonathan Russel, Esq. &c.

MR. RUSSEL TO MR. MONROE.

London, 19*th September*, 1812.

SIR—Since writing you this morning, fearing that this government should infer from my silence an acquiescence in the strange and unwarrantable view which lord Castlereagh has in his last note thought fit to take of the overtures which I have submitted, and of the powers under which I acted, I have considered it my duty to return an answer, of which the enclosed is a copy.

With great consideration and respect, I am, sir, your assured and obedient servant,

(Signed) JONA. RUSSEL.

To the honorable James Monroe, &c.

MR. RUSSEL TO LORD CASTLEREAGH.

London, 19*th September*, 1812.

MY LORD—I had the honor to receive, last evening, your lordship's note of yesterday; and have learnt with great regret and disappointment, that his royal highness the Prince Regent has again rejected the just and moderate propositions for a suspension of hostilities, which I have been instructed to present on the part of my government.

After the verbal explanations which I had the honor to afford your lordship on the 16th inst. both as to the object and sufficiency of my instructions, I did not expect to hear repeated any objections on these points. For itself, the American government has nothing to disguise; and by varying the proposition as to the manner of coming to a preliminary understanding, it merely intended to leave to the British government that which might be most congenial to its feelings. The propositions presented by me, however, on the 24th of August and 12th inst. are distinguishable by a diversity in the substance as well as in the mode of the object which they embraced; as by the former, the discontinuance of the practice of impressment was to be immediate, and to precede the prohibitory law of the United States relative to the employment of British seamen; when by the latter both these measures are deferred to take effect simultaneously hereafter.

Having made a precise tender of such law, and exhibited the instructions which warranted it to your lordship, I have learnt with surprise that it does not appear to your lordship that I am authorised to propose any specific plan on the subject of impressment. I still hope that the overtures made by me may again be taken into consideration by his Britannic majesty's government; and as I leave town this afternoon for the United States, that it will authorise some agent to proceed thither and adopt them as a basis for a reconciliation between the two countries, an event so devoutly to be wished.

I have the honor to be, my lord, your most obedient humble servant,

(Signed) JONA. RUSSEL.

The right honorable lord Castlereagh, &c.

MR. RUSSEL TO MR. MONROE.

(Private.)

On board the Lark, 7*th November*, 1812.

SIR—I have the honor to inform you that I am now passing the Narrows, and expect to land in New-

York this day. I conceive it to be my duty to repair to the seat of government, and shall set off as soon as I can obtain my baggage. In the mean time I am sorry to inform you, that the second proposition for an armistice was rejected like the first, and a vigorous prosecution of the war appears to be the only honorable alternative left to us.

I have the honor to be, with great consideration and respect, sir, your very obedient servant,

JONA. RUSSEL.

The honorable James Monroe, &c. &c. &c.

The message and documents were read, and ordered to lie on the table. [See page 183.]

Legislature of New-Jersey.

Declaration of the Council and General Assembly of the state of New-Jersey.

The authorities of the federal government having, on the 18th day of June last, declared war against the united kingdom of Great Britain and Ireland and its dependencies, the representatives of the people of New-Jersey at this momentous crisis, deem it an indispensable duty, to make known their opinions to the persons conducting the general government; ever holding it an undoubted right to petition and remonstrate in regard to public measures.

In performing this duty we refrain from entering upon a full recital of the reasons and grounds which impel us to announce these opinions.

The admonitions of prudence, the force of reason and justice, and the remonstrances of thousands, have been alike ineffectual and disregarded—a great, prosperous and happy nation, without preparation have been suddenly plunged into an unnecessary, and as we fear, hopeless war.

Every thing dear to liberty—to independence—to national honor—all that the revolution accomplished—and that thirty years of peace had procured and secured to our country is put at the hazard of war.

We, the representatives of the people of New-Jersey, chosen since the promulgation of this ruinous measure, owe it to our constituents and to ourselves, to make the following declarations in the hope that they may tend to the restoration of peace, and that it may not hereafter be our reproach, to have given by silence, an implied sanction to measures so manifestly leading to the ruin of our beloved country. More especially we consider it our solemn duty to record these sentiments in behalf of the people of New-Jersey, seeing that before the declaration of war was made, when scarce a citizen of this state could believe such an event possible, the then legislature of New-Jersey, presented to the national government *resolutions* encouraging and approbating *war*.

We then, in the name of our constituents, chosen by them on the express grounds of being the *friends of peace*, and most anxious to have restored to them and our country its inestimable blessings, do resolve,

1. That the war with Great Britain, in which the present administration has plunged the U. States, was inexpedient, ill-timed and most dangerously impolitic—sacrificing at once countless blessings, and incurring all the hazards and losses of men and treasure, necessarily resulting from a contest with a nation possessing so many means to annoy and distress us.

2. Resolved, That as the war was improvidently commenced, so has the *conduct* of it proved wasteful and disastrous. The administration being evidently chargeable with the multiplied disasters which have attended our arms, and consigned to captivity or death so many thousands of brave men, without the attainment of a single important object.

3. Resolved, That we view with inexpressible concern the course of that destructive policy which leads to a connexion with the military despotism of France; and if it should so happen, as our fears suggest, that a convention or confederacy, with that power, either exists or is intended, we do not hesitate to declare, that such an event will be considered by us more dangerous than the war itself, and as tending, in its consequences, to a dissolution of the union of the United States.

4. Resolved, That so long as it shall be the unhappy fate of our country to be involved in war, the people and legislature of New-Jersey will perform all their constitutional duties, embracing all the just means in their power to preserve the union, defend the state and honor of their country.

5. Resolved, That it is requisite that inquiry be speedily made into the causes of the calamitous events of the war, and that the representatives of this state in the congress of the United States, be requested, by all constitutional means in their power, to effect this important investigation.

6. Lastly, resolved, *That finding in the answer of the President of the United States to a proposed armistice, that a principal object of the war is to obtain redress against the British practice of impressment, and finding further in an answer from the British government to another proposed armistice, that their claim does not extend beyond what it calls its ancient and accustomed practice of impressing* British seamen *from the merchant vessels of a foreign state, we do hereby declare our solemn conviction that a war at the expense of American blood and treasure to protect* British subjects *on the high seas from their due allegiance to their country, would be unjust, and that the abuse of this practice in regard to American seamen may be guarded against by an arrangement between the two governments, and therefore that a negociation for a treaty of peace should be immediately opened.*

Legislature of Rhode-Island.

The general assembly of the state of Rhode-Island convened at Providence on the 6th ultimo and received the following message from the governor:

Gentlemen of the Senate, and

Gentlemen of the House of Representatives,

In obedience to your resolution of the 8th of July last, on the 11th I wrote to major-general Dearborn, requesting him to cause to be delivered to me for the use of the militia of this state, the United States' arms then deposited in Newport; and have now the honor to lay before you that officer's *very singular answer*, under the date of July 14th.

On the 21st of July, I received another letter from general Dearborn, under the date of the 25th (that letter I also lay before you) in which he requests me to order into the service of the U. States (in addition to this state's quota of the 100,000 men ordered by congress) two companies of artillery, and two companies of infantry, with a major, to be posted in the forts and batteries at Newport; an answer to which, on the 21st I wrote that officer, a copy of which is herewith presented.

Being informed by the general, that the United States' troops were to be ordered from Newport, and finding that the state was to be left without protection, I was induced to convene a council of war, and take their opinion of the measures most proper to adopt under these circumstances.—And although I did not hesitate as it regarded my duty respecting this state's quota of militia, as ordered at May session, and called for by general Dearborn, yet considering it a question of the highest importance to

the United States generally, and to to this state in particular, it became necessary to take their opinion whether the militia of this state could be withdrawn from the authority thereof by the president of the United States, except in the particular cases provided for by the constitution of the United States, who is to be the judge, whether those exigences exist or not?

With respect to the withdrawing of the United States' troops from Newport, however improper, yet as imminent danger of invasion did not exist, and considering the deficiency of funds in our state treasury, the council were of opinion that it was not expedient, at that time, to increase the expense of the state, by ordering any part of the militia into service.

On the question whether the militia of this state can be withdrawn from the authority thereof, except in the particular cases provided for by the constitution of the United States, they are unanimously of opinion, that they could not.

On the second question, viz. when the militia of the state are called for by the president of the United States, who is to be the judge whether those exigencies provided for by the constitution of the United States, exist or not? They were also unanimously of opinion that the executive of the state must, and of right ought to be the judge.

On the 22d of July, agreeable to your resolution of the 9th, I wrote to the president of the United States, and enclosed him a copy of that resolution, and requested him to give orders to the proper officer to deliver me two thousand stand of small arms, and six field pieces, with such quantities of ammunition, &c. for the use of the state, as he should deem proper.

On the 22d of August, as I had received no answer, I wrote to the president of the United States again, enclosed a copy of the above letter, and repeated my request for arms, &c.—and on the same day I wrote to the secretary at war informing him of my application made to the president of the United States for arms, &c. and requested him to furnish the same as soon as possible; and by the same mail, I enclosed him a return of this state's quota of detached militia, under the command of lieutenant colonel John S. Eddy, and informed him that they would be ready to act in the service of the United States when, in my opinion, any of the exigencies, provided for by the constitution of the United States, should exist, agreeable to the opinion and advice of the council of war, given me on the occasion.

On the 19th of September I received by express, a letter from the honorable Simon Martin, under date of the 18th, in which I was informed of the agitation among the citizens of the Island of Rhode-Island occasioned by the appearance of three British frigates near Point Judith, and suggesting the necessity of sending a part of the detached militia to their aid, or calling the council to determine on means the most proper for their protection. That letter I lay before you, observing that in conformity therewith, the council of war did meet in this town on the 24th, when the letter was laid before them, and after mature deliberation, I was advised and requested to issue an order to the quarter-master-general of this state to procure as soon as practicable, a quantity of powder and lead for the use of the state; but it was not advisable, under existing circumstances, to order the detached militia, or any part thereof into the service at present.

On the 28th of September, by the request of the council of war, I wrote the president of the United States a *third letter*, and enclosed him another copy of your resolution of July 19, requesting me to apply to him for arms, &c. and repeated my request, but obtained no reply.

On the 10th of October, inst. I received a letter from the secretary of the war department, informing me that the president of the United States had directed him to forward me an order, which he then enclosed, on the assistant secretary quarter-master at Newport for 1,000 stand of arms, and stating *that 500 had been delivered to the state before*, and that arms had been loaned to several volunteer companies at Newport; but as that order did not come to hand, on the same day I wrote the secretary, informed him of the mistake, and renewed my request for ordnance and ammunition.

It is very much to be regretted that there should exist a difference of opinion between the president of the United States and the government of the individual states in any case, and particularly so as it respects the disposing of the detailed militia, when the nation is involved in war. Satisfied, however, that the principle adopted, and the course this state has pursued on that subject is not only perfectly in agreement with the letter, but with the spirit of the constitution of the United States, I conceive an adherence thereunto indispensable; but should this general assembly think the course erroneous, there is now an opportunity to correct it.

The declaration of war by the congress of the U. States against Great Britain, has placed this state in a very perilous situation; having an extensive seacoast accessible by a naval force; the principal part of the United States' troops that were thought necessary even in time of peace, withdrawn from the state, our forts and batteries very illy supplied with the munitions of war.

Under these circumstances, should the president of the United States refuse to supply this state with the ordnance and ammunition, for which I was requested to apply, and the protection the general government are in duty bound to afford, and for which this state has contributed so largely, and leave us to the mercy of an invading enemy, it will not only be the duty of every citizen to be prepared for the event, but of this general assembly to make an appropriation in aid thereof, to which I request your attention.

Relying with the fullest confidence on your disposition to adopt and pursue measures the best calculated to promote and secure the peace and happiness of the citizens at large, I have only to assure you, gentlemen, that nothing constitutionally within my power, shall be wanting to effect an object so desirable. May the Supreme Governor of the universe aid you in your deliberations and crown your measures with his blessing. WM. JONES.

Circuit court of the United States.

PENNSYLVANIA DISTRICT,

OCTOBER TERM, 1812.

The Tulip, Funk, Wm. Shaw, of New-York, Claimant and Appellant.

The vessel and her cargo had been condemned, as lawful prize, to the privateer ATLAS, *Muffet*, upon the ground that the vessel was employed, after the declaration of war, in the service of the enemy, to carry Mr. FOSTER's public dispatches, in charge of a messenger, from New York to England. The claimant, WILLIAM SHAW, a naturalized citizen of New York, appealed from the sentence of condemnation, and the appeal was heard, on the 27th and 28th of October, upon an argument by Messrs. *Hopkinson* and *Binney* for the appellant, and by Mr. *Dallas* for the Appellee.

Upon the delivery of Mr. *Foster's* dispatches, unopened, to the district judge, he directed them to be

submitted to the secretary of state, in order to ascertain whether, in the opinion of the executive, their contents were proper to be exhibited on the public record. The secretary of state returned office copies of the dispatches to Mr. *Dallas* (as the law officer of the district) stating that it was not the wish of government, that publicity should be given to them, unless it was for the promotion of public or private justice. Judge *Peters*, when the demand was made, in the district court by the claimants counsel, for placing the dispatches, among the public exhibits in the court, declared, that he did not think the disclosure necessary for the promotion of public or private justice; that, at that time, it might be attended with some public inconvenience, by hastening the communication of the dispatches to the enemy; and that it was enough, upon principle, as well as upon the precedents to be found in the admiralty law of England, and of France, and of other nations, to substitute, in his own certificate, a general description of the matter contained in them.

On the appeal, of the circuit court, the same preliminary question occurred; but Mr. *Dallas*, delivering (conformably to his instructions) the dispatches to judge *Washington*, to be disposed of as the judge should direct, observed that, undoubtedly the great reason for withholding the publication of the dispatches, *in extenso*, might be thought to have ceased by the lapse of time, and the arrival of Mr. *Foster* in England. So far as information was to be conveyed to the enemy, the object of the dispatches was effected, by personal communications; and as to Mr. *Foster's* conjectures, relative to the conduct of our government, the public documents sufficiently proved their fallacy. Mr. *Dallas*, however maintained the correctness of the decision of the district judge, under the circumstances existing when it was pronounced, and referred to the authorities upon the subject.

Judge *Washington*, on the succeeding morning, directed the dispatches to be made *exhibits* in the cause, saying, that he had not formed, and did not mean to intimate, any opinion upon the general question, whether such documents might not be withheld from the record, upon principles of public policy; but that he was of opinion, that the reason for withholding them in this case, had ceased, and that the publication could not be attended with any injurious consequences to the government.

The cause was then argued on the three grounds taken by the counsel for the claimant: 1. That trading with the enemy was not, in itself, unlawful.—2. That carrying the dispatches of the enemy was not trading, within the meaning of the principles and authorities cited for the libellant. And 3d. That if any offence was committed in carrying the dispatches in the present case, it was the offence of a citizen, against the municipal law of his own country, not an offence in violation of the law of nations; and consequently, that the offender could only be prosecuted and punished, according to the common law, or the statute law, neither of which would justify a capture and condemnation of the vessel and cargo, as prize of war, in a court of admiralty.

The judge having continued the cause for advisement, delivered his opinion in substance, as follow:—

WASHINGTON, *Justice*. I have perused, with attention, the papers, and the authorities, which have been exhibited and cited, in this cause; and I proceed, with perfect satisfaction, to pronounce an affirmance of the decree of the district judge.

Trading with an enemy, was an offence against the maritime law, long before the American revolution; and as far back as the records of the English admiralty can be traced, it appears, incontrovertably, from a series of direct and uniform decisions, that the vessel and cargo of a subject, taken in the act of trading with an enemy, were liable to condemnation, in the prize court, as prize of war to the captors.

The principle, which prohibits trade and commerce with the enemy, exists, therefore, independent of those opinions and judgments which have been pronounced by sir *William Scott*, subsequent to the revolution: And to that principle, I should resort on the present occasion, with compleat confidence, although no adjudged case in point, could be produced.

If trade and commerce with the enemy are unlawful, carrying the public dispatches of the enemy (the worst kind of commerce with the enemy) cannot be lawful. The same principle of the maritime law, which makes that species of trading, which consists in the mere intercourse of buying and selling, an offence; with stronger reasons for the public safety, must condemn the act of conveying intelligence to the enemy. The argument from analogy is irresistible, I repeat, independent of all authority.

Nor is it an adequate answer to this course of reasoning, that the offence committed by a citizen, in carrying the dispatches of the enemy is an offence at common law, or by statute. The same may be said of trading in the strict sense with an enemy, which is, unquestionably, a misdemeanor at common law. In both cases, the offender may be prosecuted personally; and, in both cases, the offending vehicle, if taken in the unlawful act, may, also be condemned as prize of war. In neither case, does the condemnation proceed on the ground of the party being actually an enemy, nor of the property being actually owned by an enemy; but in both cases, the party acts as if he were an enemy: and, therefore, the maritime law, treats the property, as if it belonged to an enemy.

Upon the whole, I do not think it necessary to go into a further detail of the grounds of my judgment, as I have not the slighest doubt upon the case.

Let the decree of the District Court be confirmed.

"West-Florida."

FROM THE NATIONAL INTELLIGENCER.

Fort Stoddert, Mis. Ter. Oct. 21, 1812.

TO THE EDITORS.—I have taken the liberty to enclose you an opinion of the honorable Judge *Toulmin*, in the case of the United States against the schooner Maria, depending on the question whether the town of Mobile could, after *the fourth of May last*, be regarded as a *foreign port*.

As the expectations of the people of that country were raised in a high degree by the act of "*Annexation to the Mississippi Territory*:"—as the people regarded themselves from that day as American citizens, and as the security and perhaps the lives of a great number of men, well affected to our government. depend on this question and on the disposition of the national legislature to support them in the enjoyment of those rights, which it is believed have been assured to them; I have supposed that the *official opinion* herewith transmitted, might be considered as an interesting article, for your valuable gazette. I am yours, &c. J. B. W.

THE U. STATES, *vs.* THE SCHR. MARIA.

The schooner Libelled in this case sailed from N. Orleans on or about the 3d day of May last. Her load was destined partly for Mobile and partly for Fort Stoddert. On her way she was met by a gunboat, and received some imperfect communication of the existence of an embargo. She went to Mobile, delivered about the 15th of the same month, that part of her cargo which was destined for that place,

and came to Fort Stoddert, where she was seized for a violation of the embargo law.

It is contended on behalf of the owner, that no such notice was given of the embargo as she was bound to respect; that whatever information was communicated to the captain of the schooner, was so vaguely given as not to justify his passing Mobile without delivering the articles which he had contracted to leave at that place.

But it is moreover contended, that supposing he had possessed a full knowledge of the existence of an embargo; it would not have rendered him criminal in going to Mobile, inasmuch as an act of the congress of the United States, passed on the 14th day of May last, antecedent to the time when this schooner touched at Mobile, had declared that the country including the town of Mobile should be regarded as a part of the Mississippi Territory, and as such "be governed by the laws now in force therein, or which may hereafter be enacted, and the laws and ordinances of the United States relating thereto, in like manner as if the same had originally formed a part of the same territory, and that the inhabitants of the district so annexed should be entitled to a representative in the general assembly thereof." The question to be determined, therefore, is whether the country thus annexed to the Mississippi territory and thus rendered subject to its laws, or any part of that country, is a foreign place, or is to all intents and purposes an appendage of the United States.

On a mere perusal of the law just recited, it should seem that no such question could possibly be made. The fact, however, is that a foreign government does claim the exercise of jurisdiction over the whole of the territory included within the limits above named; that no formal possession by military force has been taken of any part of the country, but at an almost uninhabited spot near the bay of St. Louis; that American jurisdiction however seems in some shape or other to have been exercised in the whole of the country west of the river Mobile, except in the small town of that name; and that in the territory east of the Mobile, no jurisdiction, either Spanish or American, has been exercised for two years past.

The act of congress not only declares that the laws of the Mississippi and of the United States shall govern the same without exception, but authorises a member to be chosen from the same to the territorial legislature—and it is probable that one half of the qualified electors reside within the town of Mobile, and no clause whatsoever in the law deprives them of the elective franchise.

The governor has moreover erected the country so annexed to the Mississippi Territory into a county, and has, without reservation, declared the inhabitants thereof to be entitled to all the rights, privileges and immunities of American citizens. Indeed it does not appear that he possessed any power of making a reservation.

The ground on which he stands with relation to this country, is materially different from that which was occupied by the governor of the late territory of Orleans. When Louisiana was first possessed by the United States, the country east of the island of Orleans was untouched by the American government. The national authorities seemed for a time to be oscillating between the right of Spain and that of the United States. Imperious circumstances at length called upon the President to adopt decisive measures. He authorised the governor of Orleans to take possession of the whole of the country ceded by treaty to the American republic. Anxious, however, to avoid collision with foreign powers in a state of amity with this nation; he wisely restricted the governor to such parts of the province as were in a revolutionary state, and directed him not to molest the representatives of the Spanish monarchy.

Under these orders governor Claiborne excluded the town of Mobile from the operation of American jurisprudence. But the congress of the United States probably deeming some definite expression of the national sentiment now to be necessary, the congress on the eve of a war with the fast ally of Spain, the congress, satisfied from experience that no concession was to be expected, and that nothing but a declaration from the highest authority on the continent would induce the ally of Britain to relinquish one foot of territory, actually though unjustly occupied—declared on the 14th of May last the whole country (without exception) east of Pearl river, west of the Perdido, and south of the 21st degree of latitude to be annexed to the Mississippi territory:—and to prevent all doubts about jurisdiction, and all discussions between rival authorities, they further declared that the laws in force in the said territory and the laws and ordinances of the United States relating thereto, should be in force in the territory so annexed. And, however to give weight and popular energy to the said provision, they authorised a representation in the provincial legislature from the said territory, and in fact, especially from the town of Mobile, which holds a large proportion of qualified constituents—Could the governor of the Mississippi territory then, do otherwise, than to assure the people of that district the full enjoyment of the rights, privileges and immunities of American citizens?

And if he has made no discrimination, between the people residing in Mobile and those residing in other parts of the district, it is because the law admitted of no such discrimination. He stood indeed, on higher ground than the governor of the late territory of Orleans. The latter was circumscribed by presidential restrictions, well adapted to the state of the times: the former was unrestricted. He had no guide but the law: and the law declared that the whole of the country from Pearl river to Perdido made a part of the Mississippi territory.

But a vessel is seized and libelled for going to Mobile, a town in the district so annexed, in violation of the law prohibiting a departure to any foreign port or place. The question then is—what constitutes a country foreign or domestic?

If it be nothing but occupancy by military force, no part of the district added by congress to the Mississippi territory, but the sand hills of the pass of Christianne, is comprehended within the limits of the American Republic. If it be the exercise of jurisdiction, then the limits of our territory will vary with the times, and the energy of American magistrates, or the vigor of conflicting authorities, will alone describe our national boundaries. If it be the exercise of the constituent privilege, in electing members to the representative assembly, it will then depend on the fears and hopes—upon the timidity and courage—upon the slavish submission or manly independence of private individuals.

But if it be the LAW, then have we a plain and definite line of demarkation. The national will is the basis of our pretentions; and the national energies are the guarantee of their integrity.

Truly perplexing and painful is the situation of a judicial officer whose decision seems to involve a question of war and peace, and on the eventual operation of which it may depend whether the national rights shall be tamely surrendered to a foreign usurpation, or whether the vassals of a rival power shall be driven from our territory. Such points seem to rest more properly with other departments of the government: but if under a combination of peculiar

circumstances they are forced upon the attention of a judicial officer, he will not shrink from the discharge of his duty, though he will at the same time deem it a circumstance peculiarly auspicious that the national legislature, being in session at the moment, will have it in their power at once (if they can condescend to do it) to relinquish claims to a jurisdiction which they are unprepared to support, or to modify or explain a law which may lead to consequences not previously apprehended, or rather to give force and efficacy to it by an arm stronger than that of the civil magistrate.

I make these observations under the impression that the question now before the court, whether Mobile be a foreign place—though merely involving the fate of a single vessel, under a law now expired—does in fact depend on general principles; which, if adjudged to be in favor of the claimant, must lead to a general exercise of American jurisdiction in the town of Mobile, and to the enforcement of it by all the means which the law has placed at the disposal of her ministers. On this account, it might be more agreeable to wave a decision; but the question will be presented perpetually and forced upon our view, and a more proper time cannot occur than the present.

I must acknowledge that when I find the congress of the United States declaring that a certain portion of territory described by that body is annexed to the Mississippi territory; that it shall be governed by the laws thereof, and entitled to a representative in the general assembly; I feel it impossible to say, as an American magistrate, that any part of the territory so described is a foreign country. I know of no better criterion by which to determine the national character of any part of the country, but the "supreme law of the land." If the "judges are bound thereby, any thing in the constitution or laws of *any state* to the contrary notwithstanding," (Con. U. S. art. VI.) surely they are bound thereby notwithstanding any pretensions set up by an assemblage of *individuals* professing allegiance, not to an American state, but to a foreign power.

If we abandoned this rule, it would probably be extremely difficult to find a substitute. The very territory in question presents three or four different aspects, as to its political state, and the kind of occupancy which the rival nations possess in it, whilst over the whole a jurisdiction is claimed by both.—What rule, then, can we follow but the law of the land? If a judicial officer finds the country over which he presides, so unfortunately situated, as that though the national will has said that the laws shall rule therein, the will of individuals (whose subjects soever they may be) stands in opposition, and is for the moment triumphant over the will of the nation, which is he to respect? Shall private will become triumphant? Shall he admit that they do not belong to the United States? Shall he admit their place of residence to be a foreign country? Shall he denationalize a territory, which the supreme authority has declared to belong to the United States, and to be subject to their jurisdiction? I do not see how he can consistently pursue this course. Some inconvenience no doubt may result from adhering to the principles of the law. Inconveniencies always must arise, where there are collisions of authority; and it would not probably be easy to balance those which may spring from different views of the present question and different modes of acting upon it. It is, however, a matter of so much importance to preserve in practice a due regard to the authority of legislative acts, constitutionally called into existence, that it would be difficult to conceive a case, in which a judicial officer could be permitted to declare that a place is really foreign, which the national legislature has pronounced to be incorporated with our territory and subject to our laws. Alterations in the state of a country may, indeed, sometimes take place, subsequent to the passing of a law relating to it, and for which the law had made no provision. On such occasions some doubts may be created. But where a judge finds a place, declared by law to be domestic, precisely in the situation in which it was, and in which it was known to be, when the declaration was made; shall he take upon himself the awful responsibility of pronouncing it to be foreign? Shall he suspect the national representatives of trifling, when in the discharge of their solemn functions?

Shall he suppose it possible that they could make an idle boast of possessing territory, which they forbade their officers to occupy; that though declaring that their laws should be the rule of action, they did not mean that they should be enforced? Shall he harbor the dishonorable idea that the government could delude the people of the country with promises of American protection and the vain hope of enjoying republican laws and institutions, whilst the very ministers of the government were expected to regard them as foreigners, and the colonial subjects of an European monarchy? Shall conceptions, so dishonorable to the character of the sovereign power of the state, be suffered for one moment to enter the breast of a judicial officer? If he find, in a country declared to be American, still some remnants of foreign jurisdiction; ought he not to suppose that the legislative body disowned it to be such as could be recognized by the law of nations, or intended that, whatever character it was viewed in, it should gradually be done away by the operation of civil process, supported with energy, conformably to the genuine spirit of our constitution and laws? If they have promised protection to the people of such a country, they will not suffer those people to become a prey to the jealousy or resentment of a foreign faction;—they will strengthen the hands of the civil magistrate—they will make good their promises to the people—they will redeem their plighted faith, and support the honor and dignity of the national councils.

On the whole view of the subject, therefore, I cannot regard any part of the territory lying east of Pearl river, west of the Perdido, and south of the 31st degree of latitude, as having been a foreign country since the 14th day of May last.——Judgment, therefore, is given in favor of the claimant, and the bond entered into by him is directed to be cancelled. As to the question whether was a reasonable cause of seizure, I am willing to admit that the collector was justifiable at that time in regarding the town of Mobile as a foreign port, as the law of congress, declaring it otherwise, was then unknown. A letter from the officer commanding the gun-boats has been produced, and if the facts, therein stated, as to the notification of the embargo were established on oath, they would merit attention, and ought to have considerable weight. I shall, therefore, leave this point open for farther investigation and future decision.

H. TOULMIN.

19th October, 1812.

Public Documents,

Accompanying the Message of the President of November 18.

MR. RUSSEL TO THE SECRETARY OF STATE.

Washington, November 16, 1812.

SIR—I have the honor to hand you herewith an account of the conversation alluded to in a postcript

to my letter of the 17th of September and which I had not sufficient time then to copy.

I have the honor to be, with great consideration and respect, sir, your obedient servant,

JONA. RUSSEL.

The hon. James Monroe, esq. &c. &c.

MR. RUSSEL TO THE SECRETARY OF STATE.

London, September 17, 1812.

SIR—On the 12th inst. I had the honor to receive your letter of the 27th of July last—I called immediately at the Foreign Office to prepare lord Castlereagh, by imparting to him the nature and extent of my instructions, for the communication which it became me to make to him. His lordship was in the country and I was obliged to write to him without previously seeing him. I however accompanied my official note (A*) with a private letter (B) offering explanation, if required, and soliciting dispatch.

I waited until two o'clock, the 16th inst. without hearing from his lordship, when I was much surprised at receiving a note (C) from Mr. Hamilton, the under secretary, indefinitely postponing an official reply.

To give more precision to the transaction, I instantly addressed to him answer (D) and a little before five o'clock on the same day, I received an invitation (E) from lord Castlereagh to meet him at his house that evening at nine o'clock.

I waited on his lordship, at the time appointed, in company with Mr. Hamilton, at a table loaded with the records of American correspondence, which they appeared to have been examining.

I was courteously received, and after a conversation of a few minutes on indifferent subjects, I led the way to the business on which I came, by observing that I had once more been authorised to present the olive branch and hoped it would not be again rejected.

His lordship observed that he had desired the interview to ascertain, before he submitted my communication of the 15th inst. to the prince regent, the form and nature of the powers under which I acted. To satisfy him at once on both those points I put into his hands your letter of the 27th of July. I the more willingly adopted this mode of procedure as, besides the confidence which its frankness was calculated to produce, the letter itself would best define my authority and prove the moderation and conciliatory temper of my government.

His lordship read it attentively—He then commented at some length both on the shape and substance of my powers. With regard to the former, he observed that all my authority was contained in a letter from the secretary of state, which, as my diplomatic functions had ceased, appeared but a scanty foundation on which to place the important arrangement I had been instructed to propose. With regard to the extent of my powers, he could not perceive that they essentially differed from those under which I had brought forward the propositions contained in my note of the 24th of August. He considered that to enter with me into the understanding, required as a preliminary to a convention for an armistice, he would be compelled to act on unequal ground, as from his situation he must necessarily pledge his government, when, from the nature of my authority, I could give no similar pledge for mine. He could not therefore think of committing the British faith and leaving the American government free to disregard its engagements. Besides it did not appear to him that at the date of my last instructions the revocation of the orders in council on the 23d of June, had been received at Washington, and that great hopes were entertained of the favorable effect such intelligence would produce there.—The question of impressment, he went on to observe, was attended with difficulties of which neither I or my government appeared to be aware. "Indeed" he continued "there has evidently been much misapprehension on this subject, and an erroneous belief entertained that an arrangement, in regard to it, has been nearer an accomplishment than the facts will warrant. Even our friends in congress, I mean" (observing perhaps some alteration in my countenance) "those who were opposed to going to war with us, have been so confident in this mistake that they have ascribed the failure of such an arrangement solely to the misconduct of the American government. This error probably originated with Mr. King, for being much esteemed here, and always well received by the persons then in power, he seems to have misconstrued their readiness to listen to his representations and their warm professions of a disposition to remove the complaints of America, in relation to impressment, into a supposed conviction on their part of the propriety of adopting the plan which he had proposed. But lord St. Vincent, whom he might have thought he had brought over to his opinions, appears never for a moment to have ceased to regard all arrangement on the subject to be attended with formidable, if not insurmountable obstacles. This is obvious from a letter which his lordship addressed to sir William Scott at that time." Here lord Castlereagh read a letter, contained in the records before him, in which lord St. Vincent states to sir William Scott the zeal with which Mr. King had assailed him on the subject of impressment, confesses his own perplexity and total incompetency to discover any practical project for the safe discontinuance of that practice and asks for council and advice. "Thus you see," proceeded lord Castlereagh, "that the confidence of Mr. King on this point was entirely unfounded."

"The extreme difficulty, if not total impracticability of any satisfactory arrangement for the discontinuance of impressment is most clearly manifested by the result of the negociation carried on between Messrs. Monroe and Pinkney and lords Auckland and Holland. The doctrines of which these noblemen had been the advocates, when in opposition, bound them by all the force of consistency to do every thing under their commission for the satisfaction of America relative to impressment, which the subject would possibly admit. There were many circumstances on that occasion peculiarly propitious to an amicable arrangement on this point, had such an arrangement been at all attainable. Both parties accordingly appear to have exhausted their ingenuity in attempting to devise expedients satisfactorily to perform the office of impressment, and nothing can more conclusively demonstrate the inherent difficulty of the matter, and the utter impossibility of finding the expedient which they sought, than that all their labors, pursued on that occasion with unexampled diligence, cordiality and good faith, should have been in vain."

His lordship now turned to a letter in a volume before him addressed at the close of the negociation by these commissioners to the American ministers, conceived in the kindest spirit of conciliation, in which they profess the most earnest desire to remove all cause of complaint on the part of America concerning impressment, regret that their endeavors had hitherto been ineffectual, lament the necessity of continuing the practice and promise to provide as far as possible against the abuse of it.

* The notes here referred to have already been communicated to Congress.

"If," resumed his lordship, "such was the result of a negociation entertained under circumstances so highly favorable, where the powers and the disposition of the parties were limited only by the difficulties of the subject, what reasonable expectation can be encouraged that in the actual state of things, with your circumscribed and imperfect authority, we can come to a more successful issue? I shall have to proceed in so weighty a concern with the utmost deliberation and circumspection; and it will be necessary for me to consult the great law officers of the crown. You are not aware of the great sensibility and jealousy of the people of England on this subject, and no administration could expect to remain in power that should consent to renounce the right of impressment, or to suspend the practice, without the certainty of an arrangement which should obviously be calculated most unequivocally to secure its object. Whether such an arrangement can be devised is extremely doubtful, but it is very certain that you have no sufficient powers for its accomplishment."

Such was the substance, and, in many parts, the language of his lordship's discourse. To which I replied that the main object of my powers being to effect a suspension of hostilities, their form could not be material. It was sufficient that they emanated from competent authority and were distinctly and clearly conferred. That in requiring as a condition to an armistice a clear understanding relative to impressment and other points of controversy between the two countries, it was intended merely to lay the basis of an amicable adjustment and thereby to diminish the probability of a renewal of hostilities. To come to such an understanding, to be in itself informal, and which expressly left the details of the points which it embraced to be discussed and adjusted by commissioners to be hereafter appointed, was certainly within the instructions which I had received, and I could of course, thus far pledge my government for its observance. I did not acknowledge the force of his objection, predicated on the inequality of our respective powers, nor perceive how the British faith would be particularly committed. The faith of both governments would be equally committed, for whatever was done under their respective authority; and although his lordship might have power to go beyond the armistice and understanding for which I was instructed, yet there was no necessity for doing so, and while we acted within those limits, we stood on equal ground. And were it otherwise, yet, as the promise of the one party would be the sole consideration for the promise of the other, should either fail in the performance of its engagements, the other would necessarily be discharged, and the imputation of bad faith could alone attach to the first delinquent. Nor was I dismayed at the very formidable difficulties with which he had thought proper to array the subject of impressment, and although willing to acknowledge my inferiority to the American negociators who had preceded me in the matter, yet I was not disposed on account of their failure to shrink from the discharge of a duty imposed on me by my government. To me indeed the whole question appeared much less alarming than his lordship had described it to be. And that if Mr. King had really been mistaken with regard to the near completion of an adjustment, his lordship must, on an attention to the *whole correspondence* at the time, acquit him from the imputation of any excessive want of penetration.

As to the supposed ignorance in America of the revocation of the orders in council, at the time my instructions were dated, I observed, that if this ignorance did in fact exist, yet, from certain expressions in those instructions, an expectation of such a measure seems to have been confidently entertained, and the orders in council appeared no longer to form an obstacle to a conciliation. However this might be, it ought not to be supposed that the American government would be ready to abandon one main point for which it contended merely because it had obtained another, which was generally considered to be of minor importance, and to submit to the continuance of impressment on account of the discontinuance of the orders in council. At any rate having authorised me to propose terms of accommodation here, it would probably wait for information concerning the manner in which they had been received, before it would consent to more unfavorable conditions. In the mean time the war would be prosecuted, and might produce new obstacles to a pacific arrangement. I was happy to learn that the failure of a former negociation concerning impressment could not be ascribed to a want of sincerity and moderation in the American government; and I hoped the mode now suggested for securing to Great Britain her own seamen might remove the difficulties which had hitherto embarrassed this question.—— If the people of England were so jealous and sensitive with regard to the exercise of this harsh practice, what ought to be the feelings of the people of America who were the victims of it? In the United States this practice of impressment was considered as bearing a strong resemblance of the slave trade, aggravated indeed in some of its features, as the negro was purchased already bereft of his liberty, and his slavery and exile were at least mitigated by his exemption from danger, by the interested forbearance of his task master, and the consciousness that if he could no longer associate with those who were dear to him, he was not compelled to do them injury—while the American citizen is torn without price at once from all the blessings of freedom and all the charities of social life, subjected to military law, exposed to incessant perils, and forced at times to hazard his life in despoiling or destroying his kindred or his countrymen. It was matter of astonishment, that while Great Britain discovered such zeal for the abolition of the trafic in the barbarous and unbelieving natives of Africa, as to endeavor to force it on her reluctant allies, that she should so obstinately adhere to the practice of impressing American citizens, whose civilization, religion, and blood, so obviously demanded a more favorable distinction.

I next pointed out to his lordship the difference between the propositions which I now submitted, and those contained in my note of the 24th of August. That although the object of both was essentially the same, there was a great diversity in the manner of obtaining it. The discontinuance of the practice of impressment, which was before required to be immediate and to constitute a formal preliminary to an armistice, was now deferred to commence cotemporaneously with the operation of the law of the United States prohibiting the employment of British seamen, and was consigned, with the other conditions, to a separate and informal arrangement. In this way it was no doubt intended by respecting the feelings of the British government, to obviate any objection which might have been the mere suggestions of its pride.

I finally offered in order to answer at once all the observations and enquiries of lord Castlereagh, that the proposed understanding should be expressed in the most *general terms*—that the laws to take effect on the discontinuance of the *practice* of impressment should prohibit the employment of the *native* subjects or citizens of the one state, excepting such only as had already been naturalized, on board the private and public ships of the other—thus removing

any objection that might have been raised with regard to the future effect of naturalization or the formal renunciation of any pretended right. With regard to blockades, I proposed to follow the same course, and only agree that none should be instituted by either party which were not conformable to the acknowledged laws of nations—leaving the definition of such blockades and all other details, to be settled by the commissioners in the definitive treaty.

I was disappointed and grieved to find that these propositions, moderate and liberal as they were, should be treated in a manner which forbid me to expect their acceptance. I was even asked by Mr. Hamilton, if the United States would *deliver up* the native British seamen who might be naturalized in America? Although shocked at this demand, I mildly replied that such a procedure would be disgraceful to America without being useful to Great Britain—that the habits of seamen were so peculiarly unaccommodating that no one would patiently go through the long probation, required by law, to become the citizen of a country where he could not pursue his professional occupations—and that not to employ him in this way would be virtually to surrender him to Great Britain.

I was disposed to believe, however, that a reciprocal arrangement might be made for giving up deserters from public vessels.

Here, perhaps, I owe an apology to my government, for having, without its precise commands, hazarded the overture above-mentioned, relative to British subjects who may hereafter become citizens of the United States. In taking this step, however, I persuaded myself that I did not trespass against the spirit of the instructions which I had received; and had the proposition been accepted, I should not have been without all hope that it would have been approved by the president, as its prospective operation would have prevented injustice, and its reciprocity disgrace. Should I, however, urged by too great a zeal to produce an accommodation, have mistaken herein the intentions of the President, I still should have derived some consolation from reflecting that this proposition, thus frankly and explicitly made, afforded an opportunity of satisfactorily testing the disposition of this government and might be useful in removing much misconception and error. The refusal of this proposition sufficiently explains the view with which I was assailed with the ostentious parade of the abortive negociations relative to impressment; the exaggeration of its pretended difficulties; the artificial solemnity given to its character; the affected sensibility to the popular sentiment concerning it: and the fastidious exceptions taken to my powers, and proves most unequivocally the predetermination of the British government to reject, at this time, every overture for the discontinuance of this degrading practice.

Most unfeignedly desiring to suspend the existing hostilities between the two states with a reasonable prospect of finally terminating them in a manner honorable to both, I perhaps pressed with too much earnestness the adoption of the arrangement which I was instructed to propose; for lord Castlereagh once observed, somewhat loftily, that if the American government was so anxious *to get rid of the war*, it would have an opportunity of doing so on learning the revocation of the orders in council. I felt constrained on this occasion to assure his lordship, that the anxiety of the American government *to get rid of the war* was only a proof of the sincerity with which it has constantly sought to avoid it, but that no event had occurred, it was apprehended, to increase this anxiety. His lordship, correcting his manner, rejoined, that it was not his intention to say any thing offensive, but merely to suggest that if the American government sincerely wished for a restoration of the friendly relations between the two countries, it would consider the revocation of the orders in council as affording a fair occasion for the attainment of that object. After a pause of a few moments he added, that if the U. States did not avail themselves of this occasion, not only to put an end to the war, which they had declared, but to perform the conditions on which those orders were revoked, that the orders would, of course, revive. I could not forbear to remind his lordship, that when I took this view of the subject, in my note of the 24th of August, he had found it to be *incorrect*; but I hoped that, now I was so fortunate as to agree with him on this point, some provision would be made, in case the terms proposed for an armistice should be accepted, to prevent the revival of those edicts. His lordship attempted to explain, but I could not distinctly seize his meaning.

The conversation ended with an assurance on the part of his lordship that he would, with as little delay as possible, communicate officially to me the decision of the Prince Regent, and I took my leave, forbidden to hope that, while the present councils and the present opinion of the American people prevail here, this decision will be favorable.

I have the honor to be, with great consideration and respect, sir, your faithful obedient servant,

JONA. RUSSEL.

Russia and Spain.

CADIZ, *September* 8, 1812.

The general and extraordinary Cortes have ratified the following treaty of friendship, union, and alliance between Spain and Russia.

His catholic majesty, don Ferdinand the VII. king of Spain and the Indies, being animated with the same sentiments, and desirous to re-establish and consolidate the former relations and good correspondence that existed between their respective monarchies; with this intention, his catholic majesty, and in his name the regency of Spain, has appointed don Francisco de Bermudez, and his majesty the emperor of all the Russians, has appointed count Nicholas de Romanzoff, his counsellor of state, &c. and the said plenipotentiaries having exchanged their respective powers, have agreed upon and concluded the following articles.

Art. 1. There shall not only be a perfect amity, but likewise a sincere union and alliance between his majesty the king of Spain and the Indies, and his majesty the emperor of all the Russians, their heirs and successors, and between their subjects.

Art. 2. The two high contracting parties, in consequence of this convention, shall draw up without delay the stipulation of this alliance, and concert those measures which may conduce to their reciprocal interests, and with the firm intention of carrying on a vigorous war against the emperor of the French, their common enemy; and do hereby promise to sincerely co-operate in every thing that may be advantageous to both countries.

Art. 3. His majesty the emperor of all the Russians acknowledges the general and extraordinary cortes, now assembled at Cadiz, as the only legitimate one of Spain and likewise the constitution which they have decreed and sanctioned.

Art. 4. The relations of commerce shall be hereby established, and the two high contracting parties shall give to it all the extension and favor which the advantage of both countries may require.

Art. 5. The present treaty shall be ratified, and the ratifications shall be exchanged at St. Petersburg

in three months from this time, or sooner if possible.

In witness whereof, we, the underwritten plenipotentiaries, by virtue of our respective powers, have signed this present treaty, and have hereunto affixed our seals.

Done at Weliky Lousky, the 20th of July, 1812,

(Signed) *Francisco de Zea Bermudez.*
Count Nicholas de Romanzoff.

Privateering.

To the honorable the Senate and House of Representatives of the United States of America, in Congress assembled:—

The memorial of the subscribers, owners of and agents for twenty-four private armed vessels fitted out of the port of New-York, and other citizens of the city of New-York, respectfully SHEWETH:—That your memorialists, convinced that the successful issue of the present war against Great Britain, materially depends upon the effectual annoyance of the enemy, have, many of them, engaged in the equipment of private armed vessels. The extent to which such enterprizes may be carried, to the injury of the foe, is incalculable; for no bounds can be prescribed to the hardihood and daring of American seamen.

The great advantages of this cheap and effectual mode of warfare peculiarly entitle it, in the opinion of your memorialists, to the serious regard and fostering care of congress; the effect of promoting or discouraging it, will be felt, not only by those immediately concerned, but throughout every department and member of the war.

To the bold and successful efforts of our private armed vessels, we may attribute, in a great degree, a growing confidence in every class of citizens in our ability to contend, at least on equal terms, with the self-styled mistress of the ocean.

The examples of heroism in our seamen in the east, cannot fail to inspire with a corresponding ardor our soldiers of the north and west producing a rivalship of patriotism and courage, ensuring a war of glory, terminating in an honorable and lasting peace.

The spirit with which our maritime citizens have engaged in such adventures, and which, if properly excited and encouraged, would prove so destructive to the enemy, is in danger of being extinguished, unless congress interpose, immediately and effectually, for its preservation.

For this object, a diminution of the high duties imposed on prize goods is indispensable. The captured property, loaded with these duties, in addition to the charges attending its condemnation and sale, produces, even at this early period, and under the most favorable circumstances, nett profits utterly inadequate to the risk and danger of such enterprizes, and in some instances is attended with an absolute loss to the captors. The cases in which profit is obtained, must daily lessen as adventures increase, until all hope of advantage being precluded, a stop will effectually be put to further attempts.

Your memorialists believe, that as a means of revenue, it will eventually prove its own destruction: for though large sums may, at present, be obtained from it, by diminishing the expectation of profit, it will soon, not only prevent the increase of private armed vessels, but drive them from the ocean as a hopeless speculation or certain loss. A reduction of the duties, by encouraging additional adventurers, would soon more than indemnify the treasury for any temporary loss it might sustain, in the increased number of subjects of duty which it would produce.

In addition to the burden of the high duties above complained of, these enterprizes are subject to other grievances which we respectfully hope will meet a speedy and complete redress.

By the 4th section of the "act concerning letters of marque, prizes and prize goods," it is provided—"That all captures and prizes of vessels and property shall be forfeited, and shall accrue to the owners, officers and crews of the vessels by whom such captures and prizes shall be made, and on due condemnation had, shall be distributed according to any written agreement which shall be written between them; and if there be no such agreement, then one moity to the owners, the other to the officers and crew, as nearly as may be, according to the rules prescribed for the distribution of prize money, by the act entitled "an act for the better government of the navy of the United States." To this section no other construction can, in the opinion of your memorialists, reasonably be given, than that the capture, when ascertained to be a lawful prize, is to be at the disposal of the captors, to be, by them, distributed according to the provisions of the law.

The object of the interference of the court of admiralty is simply to enquire into the character of the prize, which, if enemy's property when captured, "accrues" and is "forfeited," by the *taking*, to the captors, whose property therein is *affirmed*, not *acquired*, by the act of condemnation. This property is, in the opinion of your memorialists, the undoubted right of the owner, derived from all moral and political rulers of law and justice, to dispose of as he deems proper; a right not be divested, but by delinquency or crime.

In the district of New-York, of which your memorialists are inhabitants, the court of admiralty has decided, that prizes when condemned shall in every instance, be sold by the marshal, and the proceeds deposited in the hands of the clerk of the court, to be by him distributed.

Whilst your memorialists submit with respect to the authority whence this decision emanates, they must complain of the hardships of its consequence from which they respectfully hope congress will see the necessity of affording immediate relief.

It is manifest that sales by the marshal must, in almost every instance, be conducted hastily, and without regard to the value of the property, which will often be sold at times and places unfavorable to the sale of the commodity. The owners will thus be enforced and passive spectators of the total sacrifice of valuable property, which in their own hands would yield a certain profit, were they permitted to dispose of it at such times and places, on such terms of credit, and in such quantities, as are accommodated to the demand.

By this proceeding, not only are the captors deprived of the common right of managing their own concerns in their own way, but when their property is sacrificed at any price, the proceeds are loaded with commissions of officers for making that very sacrifice. Of these commissions the marshal receives 1 1-4 per cent. *on the gross amount of sales*, which includes the duties, and the humane fund, established for the support of disabled seamen and their families, and constitutes tax upon tax. This gross amount so stripped of one and a quarter per cent. then passes into the hands of the clerk, where it again suffers a diminution of one and a quarter per cent. for receiving and paying over. After these deductions, the payment of the duties, the costs of condemnation, together with the extra ministerial and indispensable charges of the two per cent. invalid fund, agency, wharfage, &c. the owners, officers and crew are presented with a lean account of profit, if not of absolute loss, chilling to the hopes and unnerving the arm of private enterprize.

Your memorialists trust that it is unnecessary to enlarge on the utter impossibility of aiding the country by a continuance of services, burdened with such grievous impositions. To congress they confidently look for legal provisions, that may secure to owners of private armed vessels an adequate return for their expense and risk, to the brave officers and crews the reward of their gallant services, and to their widows and orphans the humane fund, established by law, unimpaired by official exactions.

Your memorialists would suggest the expediency of shortening the time for effecting the condemnation of prizes; and of limiting the ordinary fees of officers of the prize courts *to a certain sum*, as was formerly done in this country, when colonies of Great Britain.

Your memorialists, whilst they direct the attention of congress to the aforegoing evils, would respectfully further suggest the propriety and importance of granting to the owners, officers and crews of private armed vessels, a bounty for the destruction of enemy's property. It will often be expedient to destroy vessels and goods captured to prevent almost certain recapture. This, whilst it promotes the object of the war, in distressing the enemy, produces no benefit to the captors. A bounty proportioned to the tonnage of the vessels destroyed, would prompt to much activity and vigilance, and ensure the loss of much valuable property to the enemy, in situations whence it could not safely be carried into port, or not without the deduction of a force disobliging the captors for other operations of equal or greater importance.

To redress the evils above complained of, and to encourage and promote a system of maritime warfare so beneficial to the country and so mischievous to the enemy, your memorialists would earnestly recommend that provision be made by law:

For reducing the duties on prizes;

For delivering the prize property on condemnation, to the captors, to be by them disposed of, and distributed;

For shortening the time necessary to procure condemnation;

For limiting the fees of the officers of the prize courts to a certain sum; and

For authorising prize owners or their agents to order prizes arrived in one port to any other port, at their discretion, at any time before the actual libelling of such prizes.

Your memorialists are convinced, that such legal provisions, aiding and encouraging the patriotic spirit of our citizens, will soon cover the ocean with an active hostile armament, which no vigilance can elude, and from which, no force, however great, can effectually protect."

(Signed by Thomas Farmer and others.)

Important Discovery.

The restless and inquisitive genius of our countrymen, if it has sometimes subjected us to ridicule, has assuredly contributed our full proportion to the stock of general information; indeed, some of the most ingenious and important discoveries were reserved for the persevering curiosity and scientific research of the American people. Of the "perpetual motion" alluded to, we wait further information; but the discovery described below appears so completely sustained by experience, as to justify us in recording it. It is copied from a New-York paper.

To the discovery of the perpetual motion, recently made by a citizen of Pennsylvania (for the patent right of which, we understand, 200,000 dollars have been refused) we have to add that of a citizen of the state of New-York, who in a common but hitherto unnoticed vegetable, has discovered a substitute for *flax* and *hemp*, greatly superior to either, and which multiplies itself so abundantly as to yield from 500 to 1000 from roots and seeds per annum.

Mr. Baldwin, of Montpelier, Vermont, the ingenious inventor of the patent machine for spinning hemp and flax, has made trial of it, and says it will work better than either of those articles.

Dr. Eddy, the lecturer on Botany, gives it as his opinion, that, "owing to the bulbores or tuberous form of its root, even should the old root die, the plant will be continued by suckers or shoots from the parent root; that it may be cultivated in good upland as well as in its natural soil, which is low and moist; that it will bear from 15 to 20 stems on one root, which grow in a circle of not more than 6 inches diameter, and arise to the height of from 4 to 6 feet without branches."

In honor of the discoverer, Mr. Chas. Whitlow, it has received the classical name of *Urtica Whitlowi*.

A committee of the corporation, to whom Mr. Whitlow's memorial on this subject was referred, have made the following report thereon:

"The committee to whom was referred the memorial of Charles Whitlow, on the subject of a newly discovered plant as a substitute for hemp and flax, respectfully report,

"That lately they have had several interviews and conferences with the memorialist, at which he has exhibited specimens of his newly discovered plant in its various stages, from the nettle in its natural state, including the flax and tow, to a fine spun thread; that from the accompanying certificates and documents published in the Baltimore Medical and Philosophical Lyceum, it appears, that it is a hardy perrenial, and believed to be a species not hitherto discovered by any botanist. It further appears, from a certificate signed by a number of manufacturers, of flax and hemp, linen and cotton, that they had examined the plant above described in its different stages of flax, tow and thread; and were unanimously of opinion that it is far superior to any flax or hemp they had ever seen, as well in the quantity it produces from a single stem, as its superior strength, beauty and fineness of texture. That from the experiments made by them they were further of opinion, that it will produce from twenty to twenty-five per cent. more from the heckle than any flax or hemp known to them; and that they are fully persuaded it will become a great benefit to any country that will encourage its cultivation."

From these, and various other documents exhibited to your committee, as well as from their own view and observation, they are decidedly of opinion that the discovery of the *Urtica Whitlowi* (the name by which the plant is distinguished) is of the highest importance—and, as far as they are competent to judge, the plant will be found a valuable substitute for hemp and flax, and its cultivation and manufacture will be highly beneficial to every country which will afford it patronage and encouragement.

All which is respectfully submitted.

[Signed] NICHOLAS FISH,
P. H. WENDOVER,
W. A. HARDENBROOK.

Nov. 9, 1812.

The discoverer has obtained a patent right—and will sell rights to cultivate and manufacture the product of fifty acres for 14 years, for 300 dollars, and will furnish 4000 seeds gratis, and as many more as may be wanted, at reasonable charge, by applying to Charles Whitlow, 27, Maidenlane, Mr. J. Edgar,

merchant, Charleston; Mr. David Landriff, nurseryman, Philadelphia, or the office of the Mercantile Advertiser.

Domestic Manufactures.

"THE FLESH-POTS OF EGYPT."

Moses, the great lawgiver of the chosen people of God—wonderfully called to lead the *Israelites* from the oppressions of *Pharoah* to political freedom, and a land of their own, rich and luxuriant, "overflowing with milk and honey," to be possessed by them and their children—and giving evidence of his Divine authority by many miracles wrought for their immediate preservation, was incessantly vexed by the rebellions of those he was commanded to preserve, until the *smell of the flesh-pots of Egypt* had completely escaped their nostrils. For the mind of man was then, as it is now—liable to the influence of *uneasy spirits*, that seek momentary and individual gratification, though it might deprive them of permanent blessings and national happiness.

The "*flesh-pots*" that give trouble to the rulers of the United States are *British goods*; by the sale of which many, of great influence in society, make their living—"*Where the treasure is the heart will be also*"—and to the *trading* man, in general, the denunciation of *Burke* applies with great truth and energy—"His counting house is his temple; his desk his altar; his ledger his bible, and money his god." As a case in point, a vender of *British* manufactures, a few days ago, was much offended with me in questioning his *patriotism*, for expressing his satisfaction at the *surrender* by general *Hull*, as hoping it might tend to a peace with *Great Britain*, BECAUSE HE OBTAINED HIS LIVING BY SELLING HER GOODS.

By the blessings of Providence, not so visible to the natural eye as the miracles wrought for the deliverance of *Israel*, but as powerful in their effect and leading gradually to the same object, the people of the United States are conducted from this sensual gratification—this longing for a *British* connexion, by the establishment of numerous manufactories for the supply of their own wants. Ancient ties and long accustomed habits, however hurtful they may be, cannot be dissolved, in a moment, without damage. If the habitual drunkard, by a sudden virtuous resolution, *altogether* refrains from his usual potions, violent convulsions or excessive debility ensues. He must be weaned by degrees from the way that leads to the valley of death. Our people have been drunk with *foreign* trade—it is true they were exhilarated by it, and felt strength from it—but the issue is, that the public mind is debased, and too ready to submit to any indignity or insult to obtain a *little more* of the same intoxicating material. As good exercise, and now and then a cheerful glass, is the best for the health of the *body corporeal*, so is the application of our *native* resources, with foreign trade for our superfluities, the only means of preserving the *body politic*, from the servility of *Holland* and the oppression of the modern *Carthage*.

It is by no means our wish to *hurry* the establishment of manufactories. *Moses* did not *immediately* lead the children of *Israel* to the promised land. He might have travelled there in a few days, but he sojourned 40 years in the wilderness—for he knew that the people were not prepared for the change of life that awaited them. They were almost insensibly led to an understanding of their own strength; and, when the day of battle came, their enemy was defeated. With how much force do these facts apply to the state of our country?

The progress of manufactures is astonishing. The world has no parallel for the population of the United States, nor can it furnish any for the increase of our fabrications. Every time that the many, many thousand spindles, now in motion, go round, this hankering for the "flesh-pots" is diminished, for it increases the *treasure at home*, and keeps the heart from wandering. To see the present state of our manufactories and compare them with the situation of there establishments only four years ago, would make a man suppose some mighty genii had been at work, if we could not account for it in a natural way; to be found, originally, in the outrages of Europe, and confirmed by the happy experience that we can conduct them as cheap and as well as any other people. Let the present *double duties* on dry goods be continued three years, and there will be a dreary wilderness between the great body of our citizens and the *Egypt* we fear. Its passes will be guarded by *interest*, and all will watch for spies from the enemy's camp, to seize and expose and render abortive all his designs of reducing us again to bondage, compelling "us to make bricks without straw"—as we have been compelled to purchase British goods while denied that commerce that best enabled us to pay for them.

The Slave Trade.

In answer to some general enquiries, as it comes completely within the plan of this work, we have collected and arranged the following items and facts, for reference, relative to the slave trade.

The slave trade between Europe and Africa was first made a *regular traffic*, as at presnnt continued, by the *Portuguese*, in 1482. That nation, therefore, has *precedence* of all the modern European powers in this species of commerce. England commenced it in 1550, and France, Holland, Denmark, &c. about the same time. Slaves were first sent to South America in 1550; to the North American continent in 1620. In 1768, the following were the chief traders to western Africa:

Great Britain purchased that year	53,100
France	23,500
Holland	11,300
Portugal	8,700
America	6,300
Denmark	1,200
Total purchased, as above, in 1768	104,000

valued at 15£ sterling each, in Africa. The price has much advanced since then. Nearly the whole of these slaves were sent to the American colonies.

In 1788 the slaves in the *then* British islands in the West-Indies were estimated at 430,000; an aggregate much under the real amount. The following appears to be, nearly, the present number in these islands; the amount, however, is rapidly declining: the British government having forbidden the trade; and the war with the continent so much interferes with the sale of colonial produce, as to make it too small an object to violate the humane regulation, extensively, at present.

British Islands—Jamaica, 200,000; Barbadoes, 60,000; Antigua, 35,000; Grenada and adjacent islands, 30,000; St. Christopher's, 36,000; St. Vincents, 11,853; Dominica, 12,000; Anguilla, Tortola and adjacent islands, 15,000; Nevis, 10,000; Montserat, 10,000; the Bahamas, 5,000; the Bermudas, 5,000; Martinico,* 60,000; Guadaloupe,* 50,000; St. Lucia,* 10,000; Tobago,* 10,000; Marigalante,* 6,000; St. Martins,* 10,000; St. Eustatius,* 10,000; Curracoa,* 15,000; Trinidad,* 10,000; St. Croix,*

* New possessions of the British.

30,000; the other lesser islands may contain, in all, 30 or 40,000 more.

Spanish Islands—Cuba, 108,000; Porto Rico, 8,000—Margaretta, 3,000.

Danish Island.—St. Thomas, 5,000.

Swedish Island.—St. Bartholomews, 10,000.

British continental possessions in South America.—Surrinam* 43,000; Demarara and Essequibo* 40,000; Cayenne* 25,000.

St. Domingo, Hispaniola or Hayti.—French part, *before the revolution*, 600,000; Spanish part, 15,000.

Portuguese America.—Brazil, 600,000. Forty thousand slaves per annum have been imported into Brazil to supply the waste, and keep pace with the demand.

Spanish America.—We have no document at hand that gives the probable number of [black] slaves in "Spanish America;" but they are not numerous, and at the utmost extent cannot, it is believed, exceed 200,000, in the whole.

RECAPITULATION.

"British America"—*entire*, about	830,000
"Spanish America"	319,000
"Portuguese America"	600,000
Danish island—St. Thomas	5,000
Swedish do.—St. Bartholomew's	10,000
U. States of America (census of 1810)	1,191,364
A mighty total of	2,955,364
To which add for the *free people of color*—	
In the United States	186,441
In Hayti—supposing it to be half as populous as formerly	300,000
In the British possessions	100,000
In the Spanish dominions, at least	300,000
In other places	20,000
Grand total of the African race in Amer.	3,861,810

☞ The reader will please to observe, that in many cases the number is *only supposed.* But the amounts have not been put down without some probability, built upon a calculation of the produce of the islands &c. compared with other places whose number of slaves were given us "by authority."

The introduction of slaves into the United States, was forbidden by law on the first day of January, 1810—the earliest period that such a provision could be *constitutionally* made. The present trade to Africa is chiefly carried on in *Spanish* and *Swedish* bottoms.

The Treaty of Luneville

between the emperor of Germany, "in behalf of the whole Germanic body" and the French Republic, was signed on the 9th of February, 1801—when the following cessions were made to the latter. We copy it from a *Hamburg* paper printed shortly after.

	German sq. miles.	*Inhabitants.*	*Revenue. florins.*
Austria, lost, including the Milanese, Modena, Tuscany, &c.	1,060 1-2	3,629,455	9,314,135
The princes on the left bank of the Rhine, 31 in number	885	1,960,575	14,163,134
The 43 counts who had possessions on the left bank	75	182,630	1,391,922
The Abbayes and chapters which had separate domains	42 1-2	109,500	1,254,500
The Equestrian order	20 1-2	52,000	409,300
The Chapter of Cologne	1	2,500	16,800
The imperial cities, 5 in number	4	99,000	512,000
Holland, including her ancient Belgic possessions†	80	213,000	1300,000
The imperial chamber of Wezlaar			21,600
	2,168 1-2	6,253,660	28,362,481

* New possessions of the British.

† We suppose these tracts of country, said to have belonged to "*Holland*," more properly speaking to have been the ancient states of the *Prince of Orange Nassau*, late Stadtholder; held in the same manner that *Hanover* was retained by the family of the *Guelphs*, sovereigns of England. *Ed. Reg.*

The German mile is rather more than four miles English—the [Austrian] Florin is equal to fifty cents.

Events of the War.

MILITARY.

General Harrison was at Franklinton on the 24th ult.

A detachment from col. M'Comb's regiment of volunteer artillery, consisting of 500 effective men, marched through Albany on the 8th inst. on their way to Sackett's Harbor.

A second U. S. volunteer company has been organized in Connecticut.

John Williams, a private of the 6th regiment, has been shot at Plattsburg, agreeable to the sentence of a court martial, for desertion.

Travelling amusement.—The following is mentioned as a fact, in a letter from a gentleman at Buffalo, to another in this town:

A Dr. *Lorton*, of Philadelphia, travelling through that country for amusement, arrived at Lewistown at 9 o'clock the night before the battle of Queenstown, volunteered his services, and fought in the ranks till captured. The butt of his musket was shot off. Major Mullany, it is said, speaks in the highest terms of his deliberate bravery in the battle. He was paroled, and left at liberty to proceed on his diverting tour. (*Harrisburgh pap.*

All the troops of the United States, at the date of our latest accounts from them, are believed to be most amply supplied with all the necessaries and conveniences incident to their situation; to effect which the most liberal and patriotic exertions have been made.

It is reported that gen. Hopkins, with 2000 mounted volunteers, has returned to Vincennes after a fruitless excursion in hunt of the savages—having seen only three on his route. He was about to start for the Prophet's settlements on the Wabash, with his men dismounted. So says the report.

Every movement on the lines indicates the approach of interesting events. Gen. Bloomfield, with 8000 men, has moved from Plattsburgh to Champlain, the frontier village, where we expect general Dearborn also. General Smyth, from Buffalo, &c. was evidently preparing for immediate operations against Erie, Queenstown and Fort George—and the army affairs in the north-west, having obtained the needful supplies, so much deranged by the *wonderful* surrender at *Detroit*, is prepared to retrieve the honor of the United States, and exact a terrible retribution of the *allies*. From all these appearances, with the prospect of news from our tars on the ocean and on the lakes, we anticipate that our next number will contain more important details, than it has yet fallen to our lot to record in a single paper.

It is said that the legislature of Vermont has passed a law for raising *seven regiments of Volunteers*—each soldier to receive $30 bounty, and have his wages made up to $10 per month.

Aaron Ogden, esq. governor of New-Jersey, in consequence of a particular communication from the general commanding at New-York, &c. has ordered, that all the uniform companies in that state, whether of cavalry, artillery, light infantry or riflemen, do hold themselves in readiness to march at 24 hour's notice, fully equipped with four days provisions, ready cooked.

Copy of a letter from major-general Van Rensselear, of the militia of New-York, to brigadier-general Smyth, of the troops of the United States.

BUFFALOE, 24th Oct. 1812.

SIR—Having this day resigned to you the command of the army on the Niagara frontier, and being now on the eve of my departure for Albany, I conceive it to be a duty I owe to myself, to merit, and to the service, to recommend to your particular notice and favor, and through you, sir, to major-general Dearborn, the following brave officers who distinguished themselves in the first detachment of troops who were engaged in storming the redoubt upon the heights of Queenstown, on the 13th inst. Captains Wool and Ogilvie; lieutenants Kearney, Carr, Huginin, and Sammons, of the 13th infantry; lieutenant Randolph of the light artillery, who volunteered his services and commanded the vanguard; lieutenants Rathbone and Gansevoort of the artillery.

And if, sir, through want of particular information, I may have omitted any who are known to have distinguished themselves, upon that occasion, I beg you will have the goodness to insert their names, in such manner as to do justice to their merit. I am, sir, your most obedient servant,

S. V. RENSSELEAR.

Brig. gen. Smyth, of the U. S. forces.

QUEBEC, Oct. 25.—We understand, and with pleasure we announce it to the public, that one of the government store ships, lately arrived, brought 10,000 stand of arms.

The prisoners taken at Detroit and brought down to Quebec, are on the point of embarking for Boston for the purpose of being exchanged.

Five cannon are now lying at Chateau court taken at Detroit.

Arrived ship William, Goodman, 75 days from Portsmouth, cargo government stores. Passengers, 214 officers and privates of the Royals and 103d regiment.

Ship Lady Shore, Watson, 75 days from Portsmouth, cargo government stores. Passenger, Mr. Montgomery, hospital staff.

Brig Magdalen, Leister, 75 days from Portsmouth. Passengers, 53 officers and privates of the artillery, 8th and 49th regiments.

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NAVAL.

From the 28th of July to the 27th October, only sixteen sail of *American* vessels were sent into New Providence, including three privateers—but during that space of time there arrived *twenty three* SPANISH ships, owned, we suppose, by good citizens of the *United States.*

Arrived at the *port* of Plattsburg, on the 6th inst. and saluted the town, the U. S. vessel of war, Hunter, lieut. Smith. The Hunter carries one long 18 and six 6 pounders.

The following additional instruction has been given to the public and private armed vessel of the United States:

"The public and private armed vessels of the United States are not to interrupt any British unarmed vessels bound to Sable Island, and laden with supplies for the humane establishment at that place."

"By command of the president of the United States, &c.

A Batavia (N. Y.) paper informs us that the tars at Black Rock had laid a plan to possess themselves of the enemy's ship the Queen Charlotte, then lying under the guns of fort Erie; but that some abominable traitor had passed over and exposed the design, on which the ship immediately left the port. It is stated that the fellow was taken into custody on his return, and is now in safe keeping. As a terror to others, we earnestly hope that the gallows may have its due. The country must be purged of such wretches.

Naval volunteers. A British privateer, the Liverpool packet, commanded by one Freeman, an American and native of Cape Cod, has been cruizing on our eastern coast, and interrupting the coasting trade: the patriots of Salem, on ascertaining the fact, in three hours and a half fitted out the schooner Helen, with four guns and plenty of small arms, and seventy brave spirits instantly volunteered their services to catch the traitor. We trust their success will equal the zeal of the enterprize.

We wait impatiently for news from the great ocean and the lakes. It seems almost impossible that our frigates should not soon encounter the enemy—and, it is highly probable, that captain Chauncey has, before this time, obtained the mastery over Ontario.

CONSTITUTION AND GUERRIERE.

The following certificate was before the naval committee.—"We were on board the Africa from the 10th July to the 26th August, during which time we frequently saw the Guerriere, captain Dacres, and we certify that we frequently counted the guns of that frigate, and that she mounted on her main battery, thirty guns—on her quarter-deck sixteen thirty-two pound carronades, and on her forecastle eight guns—making an armament of fifty-four guns.

EDWARD GRANWELL,
WM. H. CHAILLE,
Midshipmen, late of the Nautilus.

Washington, Nov. 2.

A writer in the Watchman, printed at Wilmington, (Del.) claims captain *Porter*, of the Essex, capt. *Jones*, late of the Wasp, lieutenant *Bush*, late of the marines, who was killed on board the Constitution, and captain *Gibson*, of the light artillery, who distinguished himself on the heights of *Queenstown*, as natives of Delaware. The patriotic citizens of Wilmington have it in contemplation to present captain *Jones* with a sword, on his return to his country.

Copy of a letter from Mr. Henry Dennison, of the United States' brig Argus, to the Secretary of the Navy.

PHILADELPHIA, 11th Nov. 1812.

SIR—I have the honor to inform you that I arrived here last evening in the ship Ariadne, of Boston, cleared from Alexandria for Cadiz, with a cargo of above 5000 barrels of flour, but detained by the United States' brig Argus, capt. Sinclair, for being under British license. The Argus fell in with her on the 15th ult. in latitude 35 deg. 45 min. longitude 56 deg. 56 min.; and, by boarding under British colors, obtained possession of her passport. I was ordered to take charge of her and bring her into the first port I could make in the United States. On the passage I fell in with two British cruizers, viz. the sloop of war Tartarus and brig Colibri, and was strictly examined by each, but by making use of the license and a little finesse, we escaped capture; the Tartarus even put on board of us nine American seamen, prisoners, to assist in working the ship. All the papers found on board I have submitted to Mr. Dallas, district attorney, but as yet he has not given me any decided opinion relative to the case.

The Argus separated from the squadron on the 13th ult. and when I left her she had fallen in with nothing but the Ariadne.

I have the honor to be, most respectfully, sir, your obedient servant, HENRY DENNISON.

The honorable Paul Hamilton.

American Prizes.

(WEEKLY LIST—CONTINUED FROM PAGE 173.)

254. Schooner Robin, sent into Portland, by the Revenge of Salem.

255. Schooner Fame, from Trinidad to Para, with some dry goods valued at $12,000, sent into Savannah, by the Nonsuch of Baltimore.

256. Schr. Sally, of Curracoa, sent into Charleston, by the Black Joke, of New-York, and George Washington, of Norfolk.

257. Sloop ———, of Tortola, sent into Charleston, by the Saucy Jack.

258. Brig John, 10 guns, 12 pounders, from Laguira for Gibraltar, a new and valuable vessel, laden with coffee and cocoa, sent into Charleston, by the Benjamin Franklin, of New-York.

259. Schooner Three Sisters, 120 tons burthen, laden with Plaster, sent into Salem by the Fame privateer. ☞The Fame is only 30 tons burthen.

Proceedings of Congress.

HOUSE OF REPRESENTATIVES.

Friday, November 13.—Many petitions have been presented by the importers of British goods, praying a remission of the penalties incurred under the non-importation law.

On motion, of Mr. *Wright*, who prefaced the presentation of the resolution by some spirited remarks, it was

Resolved, That a committee be appointed to bring in a bill vesting the power of retaliation in certain cases in the President of the United States.

Monday, Nov. 16—On motion of Mr. *Johnson*—

Resolved, That the committee on the public lands be, and they are hereby instructed to enquire into the expediency of prolonging the time of payment to those purchasers of the public lands north-west of the river Ohio, who shall have purchased prior to the first day of April, 1809.

Resolved, likewise, that the said committee enquire into the expediency of subdividing each quarter section, and reducing the price of the lands of the U. S.

The resolutions were adopted.

Tuesday, Nov. 17.—Mr. *Bassett* reported "a bill in addition to the act concerning letters of marque, prizes and prize goods," the leading object of which is, to place all prize property at the immediate and entire disposal of the owners of the private armed vessel capturing the same, (after condemnation) to be by them distributed and appropriated, as they see proper, the duties, &c. being secured as usual. Heretofore the marshals held the disposition of the property, and coerced a sale to distribute the prize money among the owners and crew, frequently to the great detriment of the parties, and imposing upon many additional charges.

Mr. *Wright* reported a bill "vesting the power of retaliation in the President in certain cases."

BE it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That if any citizen of the United States, being a prisoner by land or by sea, to the British government, or who hath been impressed, hath suffered or shall suffer death, mutilation or other corporeal punishment, or be imprisoned with unusual severity, by any agent, officer, soldier, or Indian in the service of the British government, the president of the United States shall be, and he is hereby empowered and required to cause the most rigorous retaliation to be executed, on any subject, officer, soldier, or Indian, in the service or employment of the British government, as shall or may have been captured by the arms of the United States by land or sea.

Read twice and ordered to be printed.

Two messages were received from the president—the first conveying a communication from Mr. Russel (see page 183); the second from Mr. Lear, consul-general of the United States to Algiers, which were ordered to be printed, as customary.

Mr. *Wright's* bill [retaliatory] being under consideration, on the suggestion of Mr. *Lacock*, it was amended by inserting after the word "severity," the words, *"or be otherwise treated contrary to the usages of civilized war."*

The bill was ordered to be engrossed for a third reading, without opposition.

THE CHRONICLE.

Maryland election of electors.—Messrs. Johnson, Stephen, Yeazy, Stansbury, Lloyd and Worrel, "Madisonians," are elected—the remaining districts are not certainly heard from, but we suppose they will return "Clintonians."

By some shreds of intelligence in the London papers, there is reason to believe that the annexation of the remnant of Prussia to France has been decided upon, by the emperor at Wilna. A notice signed "Pyonnier," appeared at Hamburg on the 28th of August, requiring that "the ships belonging to the Hanseatic ports be, within six months, provided with the flags and ensignia of France.

The Louisiana Gazette of the 8th of Oct. says,—"The state of Louisiana will not, we suppose, have a vote in the choice of president of the United States, as no provision has been made for electors.

David Holmes, Esq. is appointed a district judge for the district of Rhode-Island, *vice* D. L. Barnes, Esq. deceased.

It is positively asserted, that the PERPETUAL MOTION has actually been discovered by a mechanic near Philadelphia. If so, we may expect a particular account of it before long. A great number of gentlemen has examined the apparatus, and are satisfied that it is what the inventor declares it to be.—But the matter has so long been supposed unattainable that confidence is not easily given to a thing of such immense importance—the *ne plus ultra* of mechanics, and grand desideratum of the scientific.

James L. Clayton, James Sykes, Ebenezer Blackiston and Thomas Fisher (federalists) have been appointed electors of President and vice President, by the legislature of Delaware.

The following gentlemen, all "Clintonians," have been appointed electors of a president and vice-president of the United States, by the legislature of New-York:—Joseph C. Yates, Schenectady; Simeon De Witt, Albany; Archibald M'Intyre, Albany; John C. Hogeboom, Columbia; Gurdon S. Mumford, N. York; Jacob Delamontagnie, N. York; Philip Van Cortlandt, Westchester; John Chandler, Orange; Henry Huntington, Oneida; John Woodworth, Albany; David Boyd, Schenectady; Cornelius Bergen, Kings; Joseph Perine, Richmond; Chauncey Belknap, Orange; John Dill, Ulster; David Van Ness, Dutchess; Robert Jenkins, Columbia; Michael S. Vanderecook, Rensselaer; George Palmer, jr. Saratoga; James Hill, Washington; William Kirby, Essex; Henry F. Yates, Montgomery; Thomas H. Hubbard, Madison; John Russel, Otsego; James S. Kip, Oneida; Jotham Jayne, Cayuga; Jonathan Stanley, jr. Onondaga; William Burnet, Ontario; Geo. Roseerantz, Herkimer.

Pennsylvania election. Thirteenth Congress:—Robert Brown Jonathan Roberts, Samuel D. Ingham, William Crawford, Robert Whitehill, William Piper, David Bard, William Findley, James Whitehill, Adam Seybert, William Anderson, Charles J. Ingersol, John Conard, Roger Davis, John M. Hyneman, Adamson Tannehill, Abner Lacock, Isaac Smith, Jared Irwin, Hugh Glasgow, Aaron Lyle, William Smilie, and John Gloninger.

Mr. Gloninger is claimed as a federalist. All the rest are decided republicans. Messrs. Milnor and Rodman, the only representatives from Pennsylvania who voted against the war, have been rejected. The senate consists of 31 members, 26 republicans and 5 federalists—and the house of representatives of 95 members, of whom 18 are federalists—republican majority in joint meeting, 75.

THE WEEKLY REGISTER.

No. 13 of vol. III.] BALTIMORE, SATURDAY, November 28, 1812. [whole no. 65.

Hæc olim meminisse juvabit.—Virgil.

Printed and published by H. Niles, South-st. next door to the Merchants' Coffee House, at $ 5 *per annum.*

Message of the gov. of Georgia.

Fellow-citizens of the Senate and

House of Representatives,

After a forbearance to which there is scarcely a parallel to be found in the history of any independent nation, the United States have been at length compelled, in vindication of their honor and for the maintenance of their indubitable rights, to declare war against Great Britain. A detail of the causes which produced this act of our government, is, I presume, neither expected nor desired from me at this time; they have been communicated to congress by the constitutional organ, the president of the United States, in a lucid and dignified address which you have all seen and no doubt possess. The insolent and arbitrary domination, assumed by the British, to control by her naval power the rights of this country, and the measures adopted by our government with a view of bringing the corrupt and corrupting ministry of Great Britain to a sense of justice, have been felt by Georgia with as much severity as any other state in the union. Her planters had long been in the habit of raising articles for exportation, from which they derive their principal resources, and depended upon importation from abroad for their annual supplies: hence, they felt with peculiar effect the want of that intercourse from which they derived their greatest advantage; yet, no selfish views ever operated upon their minds, or impaired their confidence in the government or wisdom of their measures; on the contrary, they have under every difficulty and privation maintained a firm republican and constitutional character, which I am confident they will still maintain. No difficulties or privations will ever induce them to submit to degradation and dishonor. And permit me to ask, if a submission to the black catalogue of British aggression, would not be a submission to degradation and dishonor? It assuredly would: Let us therefore maintain the character we have acquired, and unite heart and hand in support of the government, and the contest in which our country is now engaged—it is a contest sanctioned by justice and prompted by necessity, and under the guidance of Divine Providence we shall obtain the objects for which we contend.

When we contemplate the present situation of this state, our attention is irresistibly directed to our extensive frontiers. Our sea coast, from the river of Savannah to that of St. Mary's inclusive, is indented by numerous inlets, affording sufficient depth of water for armed ships of considerable force, to oppose the entrance of which there are few works of defence—the population thin, and a vast property to invite the attention and satisfy the cupidity even of British cruizers.

From the mouth of St. Mary's to the termination of our line on the Tugalo river, we have an extent of frontier, for between three and four hundred miles; the territory immediately beyond which is occupied by numerous tribes of restless and warlike savages of doubtful faith, some of whom we may already consider our enemies, (the Seminoles) and the rest although at this time professing a desire to remain at peace, may soon and unexpectedly be induced by the arts and intrigues of old friends, and the still more powerful influence of large presents, to become hostile to us. With due preparation, however, the state is capable of defending herself against any hostile attempt of British cruisers or Indian enemies. Our citizens of the middle and western parts are numerous, hardy and brave, and are not only capable of defending themselves against the Indians, but would march at a moment's warning to the assistance of their fellow citizens on the sea board in case of need, who although equally brave, are less numerous and consequently less able to defend their extensive and vulnerable coasts; but to do this, the citizens must have arms, and they must be taught the use of them, as well as the duties of the camp. These considerations have induced me to press upon your attention a thorough revision of our militia laws, and of making provision for the purchase of arms and ammunition, &c. In the defence of our sea coast it will not escape your attention that artillery are of vast importance, and yet, there is not a single company out of the city of Savannah in the whole of the first brigade. This is no doubt, owing to the great expence attending the equipment and support of such corps, which but a few are able to sustain. Permit me to recommend to your consideration, the propriety of making some provision for the encouragement of this description of troops.

Knowing of no manufactory of swords and pistols within the state, my attention has been directed to other states for a supply of those articles, as contemplated by the act of last session, for the use of the cavalry; but, I find the prospect of procuring them so remote and uncertain, that I shall attempt to have the swords made at home, and I am flattered with the hope of having this done in a style of workmanship superior to those imported for common use, and at a much cheaper rate. The manufacture of them will commence immediately in this place, and will produce about five dozen every week. I shall use my utmost efforts to have the pistols made in the state also. These are objects which in our present situation claim the fostering care of the legislature.

In the course of last summer, the secretary at war of the United States, by order of the president, called upon this state under the authority of an act of congress, to detach from her militia three thousand five hundred, which has been done accordingly. These men thus detached are liable to be called into actual service whenever the president shall so direct, and ten companies of them have been called for and are now in the field, where they are liable to be detained for six months. It is possible, nay very probable, that many of those men now on duty, have left families or relatives at home, whose principal dependance for support was upon their labor, or whose little property may be at the mercy of a creditor for an inconsiderable debt. Some legislative provision in such cases, would in my opinion, be both reasonable and just, and may be done without impairing the just rights of others. By a prudent liberality on the part of the state, the indigent or infirm family or relative of the soldier and his little property may be relieved and preserved, whilst he in return is in all probabi-

lify spilling, or at any rate ready to spill his blood in her defence.

In March last a revolution commenced in East-Florida, and from the part taken by the commissioner of the United States, and the movement of their troops, I flattered myself that they had determined on the immediate occupation of the whole province.

The progress of this revolution became extremely interesting to Georgia, and I am indebted to the vigilance and attention of brigadier-general Floyd, for the first and a regular continuance of information upon the subject; from which I soon began to suspect that the course pursued would not only fail of success, but that our frontier in that quarter might soon be involved in much difficulty and distress. Under these impressions, and conceiving that if the general government had determined upon the occupancy of the province, they would have communicated the fact to the government of Georgia, and placed the state on her guard against a failure of the enterprize, since in that event she would be the immediate sufferer, I wrote a letter to the secretary at war, stating my apprehensions of the evil consequences that were likely to result to Georgia from the manner in which the proceedings in Florida were conducted, and requested that the contents of my letter might be communicated to the President. Before that letter had reached its destination, I received one from the secretary of state, by order of the President, in which he declares, that the proceedings of the agent in the transactions in Florida were unauthorised, and calling upon me, as governor of the state, to act for the general government, inasmuch as the interests of Georgia were implicated as well as those of the United States; and also containing instructions as to the course which it was expected I would pursue in so delicate and important a transaction. It required but a few days to dispatch such public business as was then in the executive office, and to prepare every thing necessary to admit of my absence. This being accomplished I proceeded without delay to St. Mary's, as the most convenient spot where I could, by mail, have a free communication with any part of the union, and with the governor of East Florida, and col. Smith, the commander of the American troops, at the same time. On my arrived at that place, I found the progress of the revolution stopped before St. Augustine, the patriots being unable alone to attack that formidable post, and the American troops not permitted to act on the offensive. In a short time I sent to Augustine, in compliance with the instructions I had received, and a correspondence between the person then acting as governor and myself commenced, which however soon terminated, in consequence of the Spanard preferring the application of force to remove the American troops, which he actually tried on the 16th May, to the more tedious operation of having it done by negociation in a peaceful manner. The experiment, however, did not succeed, and the troops kept their ground. The letters of the secretary of state to me of the 2d and 27th of May last, will explain the reason why the troops were not withdrawn; they are reasons founded on the soundest principles of policy as well as justice and humanity, and they apply to our present situation and the present situation of East Florida with double force.

The confidence with which I anticipated the declaration of war against Great Britain, led me with equal confidence to anticipate an enlargement of the powers of the President, by congress, as the necessary consequence, having for its object the entire occupancy of East and West Florida. That this should have been the course pursued, I was extremely solicitious; knowing as I did, and still do, that the interests of Georgia would be effectually promoted by that event, and the views and wishes of the general government at the same time accomplished.—The senate of the United States, however, in their wisdom had different views of the subject, and the matter was permitted to remain as before the war.—It is nevertheless my sincere and candid opinion, that the peace and safety of this state will be hazarded, if the occupancy of East Florida, by our government, is relinquished, or much longer delayed. The present force in Augustine is of a description which we cannot tolerate, and the mode of warfare which the governor of that place has commenced, is so savage and barbarous, that it is impossible for an American to hear it without feeling the utmost indignation and resentment against the power who commands or even permits it. I recommend this subject in an especial manner to your most serious consideration, as involving, not only your immediate interest, but your future peace and happiness. It is with real pleasure that I assure you of my entire confidence in the disposition of the president to proceed in the business with the utmost decision, if he is authorised by congress. Copies of such documents as are calculated to give you a clear view of the subject and enable you to form correct conclusions, will accompany this communication: And should any additional information be desired during the session, if in the power of the executive, it will be furnished with pleasure. I have been the more particular upon this head because I feel its importance, and because too, the agency which I have had in it, has been grossly misrepresented, and conduct and motives attributed to me as malicious as they are unfounded. That agency will now be committed to another person.

The Spanish officers in Augustine, St. Marks and Pensacola are using every effort to stimulate the Creek Indians to commence hostilities against us.—As yet those within the United States' line, as I have before observed, profess peace and friendship; but, those of the Seminoles, whose towns are in Florida, have been guilty of such outrages as leave no doubt of their intention, and ought to satisfy us that no time is to be lost in applying that chastisement which their crimes deserve. In August last some parties of them made their appearance upon the frontier of Camden county, and killed and scalped a young man about seventeen years of age, the son of Mr. Thomas Wilder, who resided near Trader's hill on St. Mary's river; and, at the same time, shot another lad, and wounded him severely, but who had the good fortune to make his escape. As soon as I received information of these facts, and numerous others of less atrocity, I sent an order to brigadier general Floyd, to cause a block house to be erected on Trader's hill, and to put a small garrison in it for the protection of that part of the frontier, and if the Indians should again make their appearance, in a hostile manner, to collect a force, and pursue and punish them. I also wrote a letter to colonel Hawkins, demanding that the murderers would be apprehended and delivered up to the civil authority of Camden county, there to take their trial. Colonel Hawkins' answer, with subsequent information which I have received, fully convinces me that we have no satisfaction to expect from these Indians, and consequently that we ought to look to our own safety. With this view, I have given orders to have a stock of provender and provision contracted for and deposited at Trader's hill, for five hundred cavalry, and intended as soon as those supplies were procured, to order that number to take the field. This subject claims the immediate attention of the legislature. Copies of all papers in the executive office, relating thereto, from which you can derive any information, as well as those relating to the deceased Mr. Meredith and Mr. Arthur Lott,

who were murdered while peaceably travelling through the Creek nation, accompany this communication.

Soon after the rising of the last legislature, I appointed Hugh Montgomery of Jackson, and James Blair of Franklin county, esquires, commissioners on the part of this state, to carry into effect a concurred and approved resolution of the 30th of November last, which contemplated an united application by Georgia and the Cherokee Indians to the president of the United States for a cession of land lying between the Chatahooche river and the frontiers of Jackson and Franklin counties. At the same time I instructed them to demand of the agent of the United States to that nation, the delivery of Ellis Buffington and Robert Daniel, two Cherokees of mixed blood, who are charged with having murdered one Jacob Whiteworth about two years ago in Jackson county. The mission of the commissioners has failed of success for the present, although hopes are expressed by the agent, that our desire as to the cession will yet be acceded to by the Indians; and it is also stated, that the application for the delivery of Buffington and Daniel has been submitted to the president of the United States for his decision, the nation having refused to deliver them up. These two objects must therefore remain for future attention. Copies of the papers relating to this subject are submitted.

The session of the legislature before the last, Andrew Ellicott, esq. of Lancaster, Pennsylvania, was by concurred and approved resolution appointed to ascertain the 30th parallel of north latitude, as the boundary between this state and North Carolina.—He was accordingly sent for, and early in September following left Augusta, with a view to the accomplishment of that object. A report from Mr. Ellicott was expected in time to be laid before the last legislature, but it did not reach the executive office until the 16th of March last, when Mr. Ellicott called there and deposited one, accompanied by a chart. By this report it appears, that no part of the territory heretofore claimed by this state as Walton county, remains to Georgia. The expence attending this business has been considerable, and as Mr. Ellicott has charged considerably more in his accounts than I have drawn for or allowed, copies of them, and the correspondence between that gentleman and myself, are submitted for your consideration without a comment.

Under the authority of a resolution passed by the last legislature on the subject of a Penitentiary, I have the pleasure to state, that contracts have been made for the delivery of a quantity of brick, and that on or before the end of the present month, between twelve and fifteen hundred thousand will have been delivered near the spot intended for the scite of the building, the average price of which will not exceed five dollars per thousand. Lime which will very well answer for laying the brick, has also been contracted for, to be delivered at the same place at an equally reasonable rate. No workmen have as yet been engaged, because, I deem it of importance first to procure a sufficient stock of materials, and the present period appears to be a very favorable one for that purpose. From the magnitude of the object, you will readily perceive, that to enable the commissioners to proceed in the collection of materials and to justify a contract with workmen, further appropriations will be required. The building at Louisville formerly occupied as a state house is in such a state of decay, that if not repaired soon, there will be nothing left but the naked walls. It is at present occupied as an arsenal, but the saving thereby to the state is very inconsiderable, and by a removal of the arms to this place, and some other disposition made of the building, a considerable sum might be saved annually to the treasury.

The state of our finances has enabled us to pay in the course of the last political year to the bank of Augusta, seventy per cent. of the amount of our subscription, which is all that has been as yet required from the stockholders. The prospect of its being a very profitable stock is flattering; and when we consider the certainty of payment and the exemption from expence, it must undoubtedly be considered as the very best means of increasing our revenue. The time allowed for the state to subscribe for the shares reserved for her in the Planter's Bank of Savannah will expire on the 1st January next.—The foregoing observations on the value of the stock of the bank of Augusta apply with equal, if not superior force, to that of Savannah; permit me therefore to recommend that an appropriation be made to meet this object.

An abstract of warrants drawn on the treasury during the last political year, exhibiting a clear and distinct view of the amounts of each sum drawn for, the object for which it was drawn and the particular fund drawn upon, accompanies this communication; which, together with the annual abstract furnished by the treasurer, will convey all the information necessary to a clear understanding of the whole finances of the state.

A list of executive appointments made during the recess, which are subject to legislative interference, are also herewith submitted.

In all your measures, having for their object the public good, you may rely upon my cordial co-operation; and that the Supreme ruler of the Universe may so guide and direct your minds, that your labors may result in the happiness of the people, and your own honor, is the sincere prayer of your devoted fellow-citizen. D. B. MITCHELL.

Passing Remarks.

Indocti discant, ament meminisse periti.

As every citizen of the United States forms an integral part of the government, he becomes, constitutionally, a politician. In due reverence of the inestimable RIGHT OF SUFFRAGE—the magic that produces *reformation* without *revolution*, it is the solemn duty of all to make known their sentiment on the conduct of those to whom the destinies of the nation are committed, by a free and unbiassed ballot, for or against them. So acting, the voice of the people ever will be, "a terror to evil doers and a praise to them that do well."

Invested with this glorious privilege—a privilege unenjoyed by any other people under the canopy of heaven, how important is it that we should use it rightly!—And, to use it rightly, it is indispensably necessary that every man should "see the light," that he may work his own way to a just conclusion; and, in all cases, be able to act for himself. Where this needful intelligence prevails, the "men of influence," as they are called, are harmless—however accustomed to lead, they find themselves without followers, the moment that *principle* is abandoned: for the reflecting citizen will vote against his nearest and best friend, if that friend holds opinions hostile (as the citizen supposes) to the best interests of the country. Nor does an honest diversity of political sentiment interrupt the harmonies of social life—or, at least, ought not to do so; for *toleration* is the first item in the republican's creed.

When the design of publishing the WEEKLY REGISTER first entered my mind and was so ardently patronized, apart from personal considerations, I felt

much gratification at the prospect of its becoming a medium, whereby, in the meaning of the motto, *the unskilful might be instructed, while the better informed should assist their recollection:* of conveying to all, on reasonable terms, a knowledge of the facts necessary to a clear understanding of the state of the nation—and thus put my fellow-citizens more on a par with each other—checking that influence by which one man sometimes leads a hundred others, *body* and *mind*, to the polls, for want of the *truth* to oppose him, his opinions being erroneous. For the *national papers*, in the ordinary course of things, reach but a few persons in a convenient form for preservation; and, published in the news papers, are read——and forgotten: or, if recollected, cannot be referred to without laborious research. And, so far as it depends upon me to give these papers to the public, I am conscious that it has been done with honest impartiality.

The main question now at issue between the United States and Great Britain is the subject of IMPRESSMENT. In discussing this matter, *pro* and *con*, as well as on many other important occasions, the TREATY (if it may be so called) of Messrs. *Monroe* and *Pinkney*, with lords *Holland* and *Aukland*, concluded at London, Dec. 31, 1806, is frequently referred to;—and its insertion in the REGISTER has been earnestly solicited—we now give it. This convention was rejected by Mr. *Jefferson*, then president of the United States, without even laying it before the senate, on the ground, that it made no provision against impressment, and was besides immediately followed by the order in council of January 7, 1807, (which reached this country with the treaty itself,) predicated on the note thereunto attached by the British ministers, to which our ambassadors refused their assent. The publication of this paper was wanting to the patrons of our work that a clear view might be had of our affairs with the enemy; and, as connected with it, the reader will naturally refer to the papers respecting impressment, contained in Nos. 50 and 51 of the REGISTER, as well as the late correspondence of Mr. *Russel*, and the documents generally.

"MONROE'S TREATY."

Treaty of Amity, Commerce and Navigation, between his Britannic Majesty and the United States of America.

His Britannic Majesty and the United States of America, being equally desirous to promote and perpetuate the good understanding and friendship which happily subsists between the subjects of the United Kingdom and the citizens of the United States, and for that purpose to regulate the commerce and navigation between their respective countries, territories and people on the basis of reciprocity and mutual convenience, have respectively named their Plenipotentiaries, and have given them full power to conclude a treaty of amity, navigation and commerce. That is to say, his Britannic majesty has named for his plenipotentiaries Henry Richard Vassal lord Holland, one of his majesty's privy seal, and William lord Aukland, one of his majesty's privy council, and president of the committee of council for all matters of trade and foreign plantations; and the president of the United States, by and with the advice of the Senate thereof, hath appointed for their plenipotentiaries, James Monroe and William Pinkney, commissioners extraordinary and plenipotentiaries, who after having exchanged their full powers, have agreed in the following articles.

Art. 1. There shall be a firm, inviolable and universal peace, and a true and sincere friendship between his Britannic majesty, his heirs and successors, and the United States of America, and between their respective countries, territories, cities, towns and people, of every degree without exceptions of persons or places.

Art. 2. It is agreed that the several articles of the treaty of amity, commerce and navigation, between his majesty and the United States, made at London, on the 19th day of November, 1794, which have not expired, nor as yet had their full operation and effect, shall be confirmed in their best form and in their full tenor; and that the contracting parties will also from time to time enter into friendly explanations on the subject of the said articles for the purpose of removing all such doubts as may arise or have arisen as to the true intent of the same, as well for the purpose of rendering the said articles more conformable to their mutual wishes and conveniences.

Art. 3. His majesty agrees that the vessels belonging to the United States of America, and sailing direct from the ports of the said States, shall be admitted and hospitably received into all the sea-ports and harbors of the British dominions in the East Indies; and that the citizens of the United States may freely carry on a trade between the said territories and the said States, in all articles of which the importation respectively, to and from said territories shall not be entirely prohibited. Provided, only, that it shall not be lawful for them in any time of war between the British government and any other power or state whatever, to export from the said territories, without the special permission of the British government there, any military stores, or naval stores or rice. The citizens of the United States shall pay for their vessels when admitted into said ports no other or higher tonnage than shall be payable on British vessels when admitted into the United States. And they shall pay no other or higher duties or charges on the importation or exportation of the cargoes of the said vessels than shall be payable on the same articles when imported or exported in British vessels. But it is expressly agreed that the vessels of the United States shall not carry any of the articles exported by them from the said British territories, to any port or place, except to some port or place in America, where the same shall be unladen, and such regulations shall be adopted by both parties, as shall from time to time be found necessary to enforce the due and faithful observing of this stipulation.

It is also understood, that the permission granted by this article is not to extend to allow the vessels of the United States to carry on any part of the coasting trade of the said British territories; but the vessels going with their original cargoes or part thereof, from one port of discharge to another are not considered as carrying on the coasting trade. Neither is this article to be construed to allow the citizens of the said States to settle or reside within the said territories or to go into the interior parts thereof, without the permission of the British government established there; and if any transgression should be attempted against the regulations of the British government in this respect, the observance of the same shall and may be enforced against the citizens of America, in the same manner as against British subjects or others, transgressing the same rule. And the citizens of the United States, whenever they arrive in any port or harbor of the said territories, or if they should be permitted in manner aforesaid to go to any other place therein, shall always be subject to the laws, regulations and jurisdiction of whatever nature, established in such harbor, port or place, according as the same may be. The citizens of the United States may also touch for refreshment at the island of St. Helena, but subject in all respects to

such regulations as the British government may from time to time establish there.

Art. 4. There shall be between all the dominions of his majesty in Europe, and the territories of the U. S. a reciprocal and perfect liberty of commerce and navigation. The people and inhabitants of the two countries respectively shall have liberty, freely and securely and without hindrance or molestation, to come with their ships and cargoes to the lands, countries, cities, ports, places and rivers within the dominions and territories aforesaid, to enter into the same, to resort there, and to remain and reside there, without any limitation of time; also to hire and possess houses and ware houses, for the purposes of their commerce. And generally, the merchants and traders on each side, shall enjoy the most complete protection and security for their commerce; but subject always, as to what respects this article, to the laws and statutes of the two countries, respectively.

Art. 5. It is agreed that no other or higher duties shall be paid by the ships or merchandise of one party in the ports of the other, than such as are paid by the like vessels or merchandise of all other nations. Nor shall any other or higher duty be imposed in one country, on the importation of any articles being of the growth, produce or manufacture of any other foreign country. Nor shall any prohibition be imposed on the importation of any articles, to or from the territories of the two parties respectively, which shall not equally extend to all nations—But the British government reserves to itself the right of imposing on American vessels, entering into the British ports in Europe, a tonnage duty, equal to that which shall at any time be payable by British vessels in the ports of America. And the government of the U. States reserves to itself the right of imposing on British vessels, entering into the ports of the United States, a tonnage duty, equal to that which shall at any time be payable by American vessels, in the British ports in Europe.

It is agreed, that in the trade of the two countries with each other, the same duties of exportation and importation on all goods and merchandise, and also the same drawbacks and bounties shall be paid and allowed in either country, whether such importation or exportation shall be in British or American vessels.

Art. 6. The high contracting parties not having been able to arrange at present by treaty, any commercial intercourse between the territories of the United States and his majesty's islands and ports in the West-Indies, agree, that until that subject shall be regulated in a satisfactory manner, each of the parties shall remain in the complete possession of its rights, in respect to such an intercourse.

Art. 7. It shall be free for the two contracting parties, respectively to appoint consuls, for the protection of trade, to reside in the dominions and territories aforesaid; and the said consuls shall enjoy those liberties and rights, which belong to them by reason of their function. But before any consul shall act as such, he shall be in the usual form, approved and admitted by the party to whom he is sent. And it is hereby declared to be lawful and proper, that in case of illegal or improper conduct towards the laws or government, a consul may either be punished according to law, if the laws will reach the case, or be dismissed, or even sent back, the offended government assigning to the other the reasons for the same. Either of the parties may except from the residence of consuls, such particular places, as such party shall judge proper to be so excepted.

Art. 8. It is agreed, that in all cases where vessels shall be captured or detained, on just suspicion of having on board enemy's property, or carrying to the enemy, any of the articles which are contraband of war, or for other lawful cause, the said vessel shall be brought to the nearest or most convenient port; and if any property of an enemy should be found on board such vessel, that part only which belongs to the enemy, or is otherwise confiscable, shall be made prize, and the vessel, unless by law subject to condemnation, shall be at liberty to proceed, with the remainder of the cargo without any impediment. And it is agreed, that all proper measures shall be taken to prevent delay in deciding the cases of the ships and cargoes so brought in for adjudication; and in the payment or recovery of any indemnification adjudged or agreed to be paid to the masters or owners of such ships. It is also agreed, that in all cases of unfounded detention, or rather contravention of the regulations stipulated, by the present treaty, the owners of the vessel and cargo so detained, shall be allowed damages proportioned to the loss occasioned thereby, together with the cost and charges of the trial.

Art. 9. In order to regulate, what is in future to be esteemed contraband of war, it is agreed, that under the said denomination shall be comprised all arms and implements serving for the purposes of war, by land or by sea; such as cannon, muskets, mortars, petards, bombs, grenadoes, carcasses, saucisses, carriages for cannon, musket rests, bandoleers, gun-powder, matches, salt-petre, balls, pikes, swords, head-pieces, cuirasses, halberts, lances, javlins, horse furniture, holsters, belts, and generally all other implements of war; as also timber for ship building, copper in sheets, sail cloth, hemp, and cordage, and in general (with the exception of unwrought iron, and fir planks; and also with the exception of tar and pitch, when not going to a port of naval equipment, in which case they shall be entitled to preemption) whatever may serve directly to the equipment of vessels; and all the above articles are hereby declared to be just objects of confiscation, whenever they are attempted to be carried to an enemy. But no vessel shall be detained, on pretence of carrying contraband of war; unless some of the above-mentioned articles, not excepted, are found on board of the said vessel at the time it is searched.

Art. 10. Whereas in consideration of the distance, and of other circumstances incident to the situation of the high contracting parties, it may frequently happen that vessels may sail for a port or place belonging to an enemy, without knowing that the same is either besieged, blockaded, or invested, it is agreed that every vessel so circumstanced, may be turned away from such port or place, but she shall not be detained, nor her cargo, if not contraband, be confiscated, unless after such notice, she shall again attempt to enter. But she shall again be permitted to go to any other port or place she may think proper. Nor shall any vessel or goods of either party, that may have entered into such port or place, before the same was besieged, blockaded or invested by the other, and be found therein after the reduction or surrender of such place, be liable to confiscation, but shall be restored to the owners or proprietors thereof. Neither of the parties when at war, shall, during the continuance of the treaty, take from on board the vessels of the other subjects of the opposite belligerent, unless they be in the actual employment of such belligerent.

Art. 11. Whereas differences have arisen concerning the trading with the colonies of his majesty's enemies, and the instructions given by his majesty to his cruizers in regard thereto, it is agreed that during the present hostilities, all articles of the growth, produce, or manufacture of Europe, not be-

ing contraband of war, may be freely carried from the United States to the port of any colony not blockaded, belonging to his majesty's enemies, provided such goods shall be previously landed in the United States, and shall have paid the ordinary duties on such articles so imported for home consumption, and on re-exportation shall after the drawback remain subject to a duty equivalent to not less than one per cent. advalorum, and that the said goods, and the vessels conveying the same shall, from the time of their clearance from the American port, be bona fide the property of the citizens and inhabitants of the United States, and in like manner, that all articles not being contraband of war, and being the growth and produce of the enemies colonies, may be brought to the United States, and after having been there landed, may be freely carried from thence to any port of Europe, not blockaded, provided such goods shall previously have been entered and landed in the United States and shall have paidthe ordinary duties on colonial articles so imported for home consumption, and on re-exportation shall after the drawback, remain subject to a duty equivalent to not less than two per cent. advalorum; and provided that the said goods, and vessels conveying the same, be bona fide the property of citizens and inhabitants of the United States. Provided always, that this article, or any thing therein contained shall not operate to the prejudice of any right belonging to either party, but that after the expiration of the time limited for the article, the rights of both sides shall revive and be in full force.

Art. 12. And whereas it is expedient to make special provisions respecting the maritime jurisdiction of the high contracting parties on the coasts of their respective possessions in North America, on account of peculiar circumstances, belonging to those coasts, it is agreed that in all cases where one of the said high contracting parties shall be engaged in war and the other be at peace, the belligerent power shall not stop, except for the purposes hereafter mentioned, the vessels of the neutral power, or the unarmed vessels of the other nations, within five maritime miles, from the shore belonging to the said neutral power on the American Seas.

Provided, that the said stipulations shall not take effect in favor of the ships of any nation or nations, which shall not have agreed to respect the limit aforesaid as the line of maritime jurisdiction of the said neutral state. And it is further stipulated, that if either of the high contracting parties shall be at war with any nation or nations, which shall not have agreed to respect the said special limit or line of maritime jurisdiction herein agreed upon, such contracting party shall have the right to stop or search any vessel beyond the limit of a cannon shot, or three maritime miles from the said coasts of the neutral power, for the purpose of ascertaining the nation to which such vessel shall belong; and with respect to the ships and property of the nations not having agreed to respect the aforesaid line of jurisdiction, the belligerent power shall exercise the same rights as if this article did not exist, and the several provisions stipulated by this article shall have full force and effect only during the continuance of the present treaty.

Art. 13. With respect to the searching of merchants' ships, the commanders of ships of war and privateers shall conduct themselves as favorable as the course of war then existing may possibly permit, towards the most friendly power that may remain neuter; observing, as much as possible, the acknowledged principles and rules of the law of nations;—and for the better security of the respective subjects and citizens of the contracting parties, and to prevent their suffering injuries by the men of war or privateers of either party, all commanders of ships of war and privateers, and all others of the said subjects and citizens, shall forbear doing any damage to those of the other party, or committing any outrage against them, and if any act to the contrary, they shall be punished, and shall also be bound in their person and estates to make satisfaction and reparation for all damages, and the interest thereof, of whatever nature the said damages may be.

For this cause all commanders of privateers, before they receive their commissions shall hereafter be compelled to give before a competent judge, sufficient security by at least two responsible sureties, who have no interest in the privateer, each of whom, together with the said commander, shall be jointly and severally bound in the sum of two thousand pounds sterling, or if such ships be provided with above two hundred and fifty seamen, or soldiers, in the sum of four thousand pounds sterling, to satisfy all damages and injuries which the privateers or officers, or men or any of them, may do or commit during their cruize contrary to the tenor of this treaty, or to the laws and instructions for regulating their conduct, and further, that in all cases of aggressions, the said commission shall be revoked and annulled. It is also agreed, that whenever a judge of a court of admiralty, of either of the parties, shall pronounce sentence against any vessel or goods, or property, belonging to the subjects or citizens of the other party, a formal and duly authenticated copy of all the proceedings on the cause, and of the said sentence, shall, if required, be delivered to the commander of the said vessel without the smallest delay, he paying all legal fees and demands for the same.

Art. 14. It is further agreed, that both the said contracting parties shall not only refuse to receive any pirates into any of their ports, havens or towns, or permit any of their inhabitants to receive, protect, harbor, conceal or assist them in any manner, but will bring to condign punishment all such inhabitants as shall be guilty of such acts or offences. And all their ships, with the goods or merchandize taken by them and brought into the port of either of the said parties, shall be seized as far as they can be discovered, and shall be restored to the owners or the factors or agents duly deputed, and authorised in writing by them, (proper evidence being shewn in the court of admiralty for proving the property) even in case such effects should have passed into other hands by sale, if it be proved that the buyers knew, or had good reason to believe or suspect that they had been piratically taken.

Art. 15. It is likewise agreed, that the subjects and citizens of the two nations shall not do any acts of hostility or violence against each other, nor accept commissions or instructions so to act, from any foreign prince or state, enemies to the other party, nor shall the enemies of one of the parties be permitted to invite or endeavor to enlist in the military service, any of the subjects or citizens of the other party; and the laws against all such offences and aggressions shall be punctually executed; and if any subject or citizen of the said parties, respectively, shall accept any foreign commission or letters of marque for arming any vessel to act as a privateer against the other party, it is hereby declared to be lawful for the party to treat and punish the said subject or citizen, having such commission or letters of marque, as a pirate.

Art. 16. It is expressly stipulated that neither of the said contracting parties will order or authorise any acts of reprisal against the other, or complaints of injuries and damages, until the said party shall first have presented to the other a statement thereof

verified by competent proof and evidence, and demanded justice and satisfaction, and the same shall either have been refused or unreasonably delayed.

Art. 17. The ships of war of each of the contracting parties, shall at all times be hospitably received in the ports of the other, their officers and crews paying due respect to the laws and government of the country. The officers shall be treated with that respect which is due to the commissions which they bear; and if any insult should be offered to them by any of the inhabitants, all offenders in this respect shall be punished as disturbers of the peace and amity between the two countries. And both contracting parties agree, that in case any vessel of the one should, by stress of weather, danger from enemies, or other misfortunes, be reduced to the necessity of seeking shelter in any of the ports of the other, into which such vessels could not in ordinary cases, claim to be admitted, she shall on manifesting that necessity to the satisfaction of the government of the place, be hospitably received, and permitted to refit, and to purchase at the market price such necessaries as she may stand in need of, conformably to such orders and regulations as the government of the place, having respect to the circumstances of each case, shall prescribe. She shall not be allowed to break bulk or unload her cargo, unless the same shall be bona fide necessary to her being refitted; nor shall she be obliged to pay any duties whatever, except only on such articles as she may be permitted to sell for the purpose aforesaid.

Art. 18. It shall not be lawful for any privateers (not being subjects or citizens of either of the said parties) who have commissions from any power or state in enmity with either nation, to arm their ships in the ports of either of the said parties, nor to sell what they have taken, nor in any other manner to exchange the same, nor shall they be allowed to purchase more provisions than shall be necessary for their going to the nearest port of that prince or state from whom they obtained their commissions.

Art. 19. It shall be lawful for the ships of war and privateers belonging to the said parties respectively, to carry whithersoever they please, the ships, and goods taken from their enemies, without being obliged to pay any fees to the officers of the admiralty, or to any judges whatever, nor shall the said prizes, be detained or seized, nor shall the searchers or other officers of those places visit such prizes (except for the purpose of preventing the carrying of any part of the cargo thereof on shore in any manner contrary to their established laws of revenue, navigation, or commerce) nor shall such officers take cognizance of the validity of such prize, but they shall be at liberty to hoist sail, and depart as speedily as may be, and carry their said prizes to the places mentioned in their commissions or patents, which the commanders of the said ships of war or privateers shall be obliged to shew. Nor shelter or refuge shall be given in their ports to such as have made a prize upon the subjects or citizens of either of the said parties; but if forced by stress of weather or the dangers of the sea to enter them, particular care shall be taken to hasten their departure, and cause them to retire as soon as possible; nothing in this treaty contained shall however be construed to operate contrary to the former and existing public treaties with other sovereigns or states; but the two parties agree, that while they continue in amity, neither of them will in future make any treaty, that shall be inconsistent with this or the preceding articles. Neither of the said parties shall permit the ships or goods belonging to the subjects or citizens of the other, to be taken within cannon shot of the coast, nor within the jurisdiction described in article 12, so long as the provisions of the said article shall be in force, by ships of war, or others having commissions from any prince, republic or state whatever: but in case it should so happen, the party whose territorial rights shall thus have been violated, shall use his utmost endeavors to obtain from the offending party, full and ample satisfaction for the vessel or vessels so taken, whether the same be vessels of war or merchant vessels.

Article 20. If at any time a rupture should take place (which God forbid) between his majesty and the United States, the merchants and others of each of the two nations, residing in the dominions of the other, shall have the privilege of remaining and continuing their trade so long as they do it peaceably, and commit no offence against the laws; and in case their conduct should render them suspected, and the respective governments should think proper to order them to remove, the term of 12 months, from the publication of the order, shall be allowed them for that purpose, to remove with their families, effects, and property. But this favor shall not be extended to those who shall act contrary to the established laws; and for greater certainty, it is declared that such rupture shall not be deemed to exist while negociations for accommodating differences shall be depending, nor until the respective ambassadors or ministers, if such there shall be, shall be recalled or sent home on account of such differences, and not on account of personal misconduct, according to the nature and degree of which both parties retain their rights, either to request the recal, or immediately to send home the ambassador or minister of the other; and that without prejudice to the mutual friendship and good understanding.

Art. 21. It is further agreed that his majesty and the United States, on mutual requisitions by them respectively, or by their respective ministers, or officers authorised to make the same, will deliver up to justice all persons who being charged with murder or forgery, committed within the jurisdiction of either shall seek an assylum within any of the countries of the other, provided that this shall be done on such evidence of criminality, as, according to the laws of the place where the fugitive or person so charged shall be found, would justify his apprehension and commitment for trial, if the offence had there been committed. The expense of such apprehension and delivery shall be borne and defrayed by those who make the requisition, and receive the fugitive.

Art. 22. In the event of shipwreck happening in a place belonging to one or the other of the high contracting parties, not only every assistance shall be given to the unfortunate persons and no violence done to them, but also the effects which they shall have thrown out of the ships into the sea, shall not be concealed or detained, nor damaged under any pretext whatever. On the contrary the above mentioned effects and merchandize shall be preserved and restored to them upon a suitable recompence being given to those who shall have assisted in saving their persons, vessels and effects.

Art. 23. And it being the intention of the high contracting parties, that the people of their respective dominions shall continue to be on the footing of the most favored nation, it is agreed that in case either party shall hereafter grant any additional advantages in navigation or trade to any other nation, the subjects or citizens of the other party shall fully participate therein.

Art. 24. The high contracting parties engage to communicate to each other, without delay, all such laws as have been or shall be hereafter enacted by

their respective legislatures, as also all measures which shall have been taken for the abolition or limitation of the African slave trade: and they further agree to use their best endeavors to procure the co-operation of other powers for the final and complete abolition of a trade so repugnant to the principles of justice and humanity.

Art. 25. And it is further agreed, that nothing herein contained, shall contravene or effect the due execution of a treaty or treaties now actually subsisting between either of the high contracting parties, and any other power or powers.

Art. 26. This treaty, when the same shall have been ratified by his majesty, and by the President of the United States, with the advice of their senate, and the respective ratifications mutually exchanged, shall be binding and obligatory on his majesty, and on the said states for ten years, from the date of the exchange of the said ratification, and shall be reciprocally executed in the most sincere regard to good faith.

In faith whereof, we, the undersigned plenipotentiaries on the part of his majesty, the king of Great Britain, and the commissioners extraordinary, and plenipotentiaries on the part of the United States of America, have signed this present treaty, and have caused to be affixed thereto the seal of our arms.

Done at London, this thirty-first day of December, one thousand eight hundred and six.

Seal	*(Signed)*	VASSAL HOLLAND.
Seal	*(Signed)*	AUKLAND.
Seal	*(Signed)*	JAMES MONROE.
Seal	*(Signed)*	WILLAM PINCKNEY.

NOTE.

Of the British commissioners accompanying the foregoing treaty.

LONDON, Dec. 31, 1806.

The undersigned, Henry Richard Vassal, Lord Holland, and William lord Aukland, plenipotentiaries of his Britannic majesty, have the honor to inform James Monroe and William Pinckney, commissioners extraordinary and plenipotentiaries of the United States of America, that they are now ready to proceed to the signature of the treaty of amity, commerce and navigation, on the articles of which they have mutually agreed.

But at the same time they have it in command from his majesty, to call the attention of the commissioners of the United States to some extraordinary proceedings which have lately taken place on the continent of Europe, and to communicate to them officially the sentiments of his majesty's government thereupon.

The proceedings alluded to are certain declarations and orders of the French government issued at Berlin on the 21st of November last.

In those orders, the French government seeks to justify or palliate its own unjust pretentions, by imputing to Great Britain principles which she never professed, and practices which never existed. His majesty is accused of a systematic and general disregard of the law of nations, recognized by civilized states, and more particularly of an unwarrantable extension of the right of blockade; whereas his majesty may confidently appeal to the world, on his uniform respect to neutral rights, and his general and scrupulous adherence to the law of nations, without condescending to contrast his conduct in these particulars with that of his enemy; and with regard to the only specific charge, it is notorious that he has never declared any ports to be in a state of blockade, without allotting to that object a force sufficient to make the entrance into them manifestly dangerous.

By such allegations, unfounded as they are, the enemy attempts to justify his pretensions of confiscating as lawful prize, all produce of English industry or manufacture though it be the property of neutrals; of excluding from his harbors every neutral vessel which has touched at any port of his majesty's dominions, though employed in an innocent commerce, and of declaring Great Britain to be in a state of blockade, though his own naval ports and arsenals are actually blockaded, and he is unable to station any naval force whatever, before any port of the united kingdom.

Such principles are in themselves extravagant and repugnant to the law of nations; and the pretensions founded on them, though professedly directed solely against Great Britain, tend to alter the practice of war among civilized nations, and utterly to subvert the rights and independence of neutral powers. The undersigned cannot, therefore, believe that the enemy will ever seriously attempt to enforce such a system. If he should, they are confident that the good sense of the American government will perceive the fatal consequences of such pretensions to neutral commerce, and that its spirit and regard to national honor will prevent its acquiescence in such palpable violations of its rights, and injurious encroachments on its interests.

If however the enemy should carry these threats into execution, and if neutral nations, contrary to all expectations, should acquiesce in such usurpations, his majesty might probably be compelled, however reluctantly, to retaliate in his just defence, and to adopt, in regard to the commerce of neutral nations with his enemies, the same measures which those nations shall have permitted to be enforced against their commerce with his subjects. The commissioners of the United States will therefore feel, that at a moment when his majesty and all neutral nations are threatened with such an extension of the belligerent pretensions of his enemies, he cannot enter into the stipulations of the present treaty, without explanation from the United States of their intentions, or a reservation on the part of his majesty in the case abovementioned, if it should ever occur.

The undersigned considering that the distance of the American government renders any immediate explanation on this subject impossible, and animated by a desire of forwarding the beneficial work in which they are engaged, are authorised by his majesty to conclude the treaty without delay. They proceed to the signature under the full persuasion that before the treaty shall be returned from America with the ratification of the United States, the enemy will either have formally abandoned or tacitly relinquished his unjust pretensions, or that the government of the United States by its conduct or assurances, will have given security to his majesty that it will not submit to such innovations in the established system of maritime law; and the undersigned have presented this note from an anxious wish that it should be clearly understood on both sides, that without such an abandonment on the part of the enemy, or such assurances, or such conduct on the part of the United States, his majesty will not consider himself bound by the present signature of his commissioners to ratify the treaty, or precluded from adopting such measures as may seem necessary for counteracting the designs of his enemy.

The undersigned cannot conclude without expressing their satisfaction on the prospect of accomplishing an object so important to the interests and friendly connection of both nations, and their just sense of

the conciliatory disposition manifested by the commissioners of the United States during the whole course of the negociation.

(Signed) VASSAL HOLLAND.
AUKLAND.

To James Monroe, &c. &c. &c.
William Pinckney, &c. &c. &c.

New Sicilian Constitution.

LONDON, September 14.

Despatches are said to have been received by ministers from lord William Bentinck, announcing the important intelligence of the Sicilians having adopted a new constitution. The following letter, contains an outline of the proceedings of the Sicilian parliament.

"PALERMO, July 24, 1812.

"MY DEAR SIR—The parliament held their second sitting (first for dispatch of business) on the 20th when the following fourteen articles were resolved and passed through the three chambers, by a large majority, in spite of the influence of the court.—There is not perhaps in history so remarkable a revolution brought about with so much tranquility.—The barons have given up their feudal rights, and if the resolutions are followed up, of which I have no doubt, the people will be *free*.

"Our minister deserves the highest credit for his conduct—the Sicilians admit that they owe every thing to his moderation, good sense, and firmness.

"1st. The supreme authority of making laws and imposing taxes, is vested alone in the nation.

"2d. The executive power is in the king.

"3d. Judicial authority is in the magistrates, subject to the approval of parliament.

"4th. The king's person is sacred.

"5th. The ministers are responsible to parliament.

"6th. The two chambers to consist of lords and commons, and the clergy to have seats in the former.

"7th. The barons to have only one vote each.

"8th. The right of assembling parliament is in the king and necessary every year.

"9th. The nation sole protector of the state.

"10th. No Sicilian can be judged or condemned, except by laws to be recognized by parliament.

"11th. The feudal law is abolished, as well as the right of investiture (monoply.)

"12th. The privileges of the barons, over their vassals, is also abolished.

"13th. Every proposition, relative to taxation, must originate, in the lower chamber, and be approved by the upper.

"14th. A modification of the British constitution to be recommended this session.

"The parliament had their second meeting last night, the 24th. The ecclesiastical chamber sent a deputation to the lords, stating, as their opinion, that the first article of the resolution should go to establish the religion of the country, which was carried, after a debate. It was then resolved, that the articles already voted by the three chambers, should be forthwith presented to the king for his sanction, previous to any further proceedings, it being argued that if the king should put his *veto* on these resolutions (which were to form the basis of the constitution) any superstructure formed upon them must fall to the ground. There were only six dissentient voices on this question. Princes Frabbeia Cassino (the present minister of the interior) Cuto and Lucchisi Niscemi and two others, voted with the court. Buterna, the premier baron, gave the first voice for the articles being immediately presented. Their deliberations continued to a late hour.

"The marquis Salvo proposed and carried the 9th resolution against the ministers.

"Prince Belmonts made a most eloquent speech, and to his perseverance, ability and firmness, every credit is due.

"The marquis Salvo also proposed the trial by jury, which was opposed by the lords, but carried in the commons.

"The duke of Sperlenea proposed and carried the motion relative to the feudal law, on which occasion he delivered a brilliant speech.

"I have little more to add, than that the parliament is declared permanent until the constitution is formed—I must conclude, as the courier is going to be dispatched, and I write this in the greatest haste."

REVOLUTIONARY VIRTUE.

In times of trial it is wholesome to refer to the past for excitements to virtue. There is a certain indescribable something in the mind of man that impels him "to emulate the deeds of his ancestors." We are yet a young nation, and have the fewer instances to boast of; but the eventful revolution brought to light many striking cases that will remain forever as glorious monuments of American fame. The following is apposite to the present state of things:

When lord Charles Grenville Montague raised his regiment in South Carolina, during the late war, to induce general Moultrie to accept of the command and enter the British service, he wrote him the following letter:

MARCH 11, 1781.

A sincere wish to promote what may be to your advantage, induces me now to write. The freedom with which we have often conversed, makes me hope you will not take amiss what I say.

My own principles respecting the commencement of this unfortunate war are well known to you: of course you can also conceive that what I mention to you is of friendship. You have now fought bravely in the cause of your country for many years, and in my opinion, fulfilled the duty an individual owes it: You have had your share of hardships and difficulties: and if the contest is still to be continued, younger hands should now take the toil from you.—You have now an opening of quitting that service with honor and reputation to yourself, by going to Jamaica with me. The world will readily attribute it to the known friendship that has subsisted between us, and by quitting this country for a short time, you would avoid any disagreeable conversations, and might return at your leisure to take possession of your estates for yourself and family. The regiment I am going with I am to command; the only proof I can give you of my sincerity is, that I will quit that command to you with pleasure, and serve under you. I earnestly wish I could be the instrument to effect what I propose, as I think it would be a great means towards promoting that reconciliation we all wish.—A thousand circumstances concur to make this a proper period for you to embrace; our old acquaintance, my having been formerly governor in this province, and the interest I have with the present commander.

I give you my honour that what I write is entirely unknown to the commander, or any one else, and so shall your answer be, if you favor me with one.

Your's sincerely,
CHARLES MONTAGUE.

To brigadier-general Charles Moultrie.

ANSWER.

Haddrell's-Point, March 13, 1781.

MY LORD—I received your's this morning, I thank you for your wish to promote my advantage, but am much susprised at your proposition. I

flattered myself I stood in a more favorable light with you. I shall write with the same freedom with which we used to converse, and doubt not you will receive it with the same candor. I have often heard you express your sentiments respecting this unfortunate war—when you thought the Americans injured; but am now astonished to find you taking an active part against them—though not fighting particularly on the continent—yet the seducing their soldiers away to enlist in the British service, is nearly similar.

My lord, you are pleased to compliment me with having fought bravely in my country's cause, for many years, and, in your opinion, fulfiled the duty every individual owes it: but I differ widely with you in thinking that I have discharged my duty to my country, while it is deluged with blood, and overrun by British troops, who exercise the most savage cruelties. When I entered into this contest, I did it with the most mature deliberation, with a determined resolution to risk my life and fortune in the cause. The hardships I have gone through I look upon with the greatest pleasure and honor to myself. I shall continue to go on as I have begun, that my example may encourage the youths of America, to stand forth in defence of their rights and liberties. You call upon me now, and tell me I have a fair opening of quitting that service with honor and reputation to myself, by going with you to Jamaica. Good God! is it possible that such an idea could arise in the breast of a man of honor? I am sorry you should imagine I have so little regard to my own reputation, as to listen to such dishonorable proposals.——Would you wish to have that man honored with your friendship, play the traitor?—Surely not.

You say, by quitting this country for a time I might avoid disagreeable conversations, and might return at my own leisure, and take possession of my estates for myself and family; but you have forgot to tell me how I could get rid of the feelings of an injured honest heart, and where to hide myself from myself. Could I be guilty of so much baseness, I should hate myself and shun mankind. This would be a fatal exchange for the present situation, with an easy and approving conscience, of having done my duty, and conducted myself as a man of honor.

My lord, I am sorry to observe, that I feel your friendship much abated, or your would not endeavor to prevail upon me to act so base part. You earnestly wish you could bring it about, as you think it will be the means of bringing about that reconciliation we all wish for. I wish for a reconciliation as much as any man, but only upon honorable terms.—The re-possessing my estates; the offer of the command of your regiment, and the honor you propose of serving under me, are paltry considerations to the loss of my reputation. No, not the fee-simple of that valuable island of Jamaica, should induce me to part with my integrity.

My lord, as you have made one proposal, give me leave to make another, which will be more honorable to us both. As you have an interest with your commanders, I would have you propose the withdrawing the British troops from the continent of America, allowing independence and propose a peace. This being done, I will use my interest with my commanders to accept of the terms, and allow Great Britain a free trade with America.

My lord, I could make one more proposal—but my situation as a prisoner, circumscribes me within certain bounds. I must, therefore, conclude with allowing you the free liberty to make what use of this you may think proper. Think better of me.

I am, my lord, your lordship's most humble servant. WM. MOULTRIE.

To Lord Charles Montague.

Events of the War.

MILITARY.

The advance of the northern army, 6000 strong, paraded to march from Plattsburg for Canada on the 16th inst. Gen. Dearborn was then at that place, but would not go with the army. It would be commanded by gen. Chandler, as gen. Bloomfield was sick. Such is the latest intelligence from the north.

The Petersburg Volunteers, on their way to the frontiers, passing Charlottesville, partook of an elegant entertainment prepared for them by Mr. Jefferson.—A similar company is organized in Richmond, and J. Lewis, esq. of Mount Athos, near Lynchburg, has undertaken to raise a *regiment*, with every prospect of success. These are twelve-month's-men, at the disposal of the President of the United States, in all respects as regular troops.

Nine companies of militia exempts have been organized in the western counties of New-York.

There is a disposition in many to attribute great blame to major-general *Van Rensselaer*, of the New-York militia, for the failure of his attack upon *Queenston*, on several grounds—as, that he neglected to obtain the requisite number of boats, which might have been easily had—that the men were badly supplied with ammunition, and that, more than all, he did not avail himself of brigadier-general Smyth's regulars, as he might and could have done, who would have secured a victory—as well as because the landing was effected in the most diffioult and imprudent spot between the lakes: with a high shore and a stream vexed by powerful eddies. But the general's official statement is before the public, and we shall not attempt to impeach it but by testimony of the same imposing authority.

It is unpleasant to remark with what avidity some men, for mere party purposes, seize upon every little incident tending to discredit the American arms. Nay, not content with the naked facts as they are, they contrive to distort them into the most frightful shapes—and, if the "*truth embellished*" will not make the story *tell well*, they curiously invent a few particulars to give it the needful graces. War is a new business in America, and there few things that so much require that kind of knowledge which is only to be obtained by *experience*. Though continually engaged in it, Great Britain has committed as stupid blunders as any that we have—nay, that we can be guilty of——*Quiberoon* and *Walcheren* are cases in point; and fifty others might be noted in half an hour's examination, that have occurred during the present war with France.

Colonel Van Rensselaer, wounded in the battle of Queenston, has arrived at Albany.

A Montreal paper mentions that 50 or 60 Americans, from Swanton, (Vt.) in a frolic, passed the lines to an inn, where they drank a bucket of gin sling, which they paid for, struck up the tune of Yankee Doodle, and retired peaceably. They were well equipped.

If it were our practice to offer comments upon *public papers*, we should find ample cause for them on considering the address of general *Smyth*.

Gen. Harrison was at Franklinton, (O.) about the 12th inst. The progress of the supplies and ordinance of the army has been greatly retarded by excessive *rains: but active hostilities may soon be looked for.*

He expected to be at Miami on the 20th. The army was well provisioned.

Eight waggons laden with specie, for the pay of the troops, have arrived at Pittsburg.

GENERAL ORDERS.

HEAD QUARTERS, *Elizabeth-Town, Nov.* 16, 1812.

The commander in chief of the militia of New-Jersey, in consequence of a particular communication from the general commanding at New-York and its dependencies, thinks it prudent that all the Uniform Companies, whether cavalry, artillery, light-infantry, or riflemen within the state, do hold themslves in readiness upon a previous notice of twenty-four hours to take the field duly equipped, each man having one good blanket, and four days provisions *ready cooked*——The captains commanding companies of artillery will make contracts of the United States, for a suitable number of horses and drivers (by the day) to transport their respective field-pieces and their apparatus, to be paid only from the time of the order to march until their return; and also will take immediate measures as are allowed by law, to put into good order every thing necessary for such transportation.

Each captain of an uniform company will make an immediate return of the present state of his company both as to men and their munitions, adding such general remarks, in regard to their present ability to take the field, as he may think proper, and transmit the same to the commander in chief without delay.

As these volunteer corps, in all sudden emergencies, form the first and best defence of the state, it is hoped that such as may be able, will display their zeal in joining themselves to some one or other of these uniform companies, as circumstances or inclination may lead, thus proving themselves a race of Jerseymen not unworthy of their fathers.

AARON OGDEN,
Commander in chief of the militia of New-Jersey.

CANANDAIGUA, Nov. 12, 1812.

We hasten to lay before our readers the following hand bill, which was this day politely handed to us by lieutenant Roosevelt, who is ordered by general Smyth to proceed "to the counties of Ontario, Seneca, and Cayuga, to bring on such volunteers as will cross the river Niagara into Canada, and perform a month's service in the army."

TO THE MEN OF NEW-YORK.

For many years you have seen your country oppressed with numerous wrongs. Your government, although above all others devoted to peace, has been forced to draw the sword and rely for redress of injuries on the valor of the American people.

That valor has been conspicuous. But the nation has been unfortunate in the election of some of those who have directed it. One army has been disgracefully surrendered and lost. Another has been sacrificed by a precipitate attempt to pass over at the strongest point of the enemy's lines, with most incompetent means. The cause of these miscarriages is apparent The commanders were popular men, "destitute alike of theory and experience" in the art of war.

In a few days the troops under my command will plant the American standard in Canada. They are men accustomed to obedience, silence, and steadiness. They will conquer or they will die.

Will you stand with your arms folded, and look on this interesting struggle? Are you not related to the men who fought at Bennington and Saratoga? Has the race degenerated? Or have you under the baneful influence of contending factions forgot your country? Must I turn from you, and ask the men of the six nations to support the government of the United States? Shall I imitate the officers of the British king, and suffer our ungathered laurels to be tarnished by ruthless deeds? Shame where is thy blush? No. Where I command, the vanquished and the peaceful man, the child, the maid and the matron, shall be secure from wrong. If we conquer, we will "conquer but to save."

Men of New-York!

The present is the hour of renown. Have you not a wish for fame? Would you not choose in future times to be named as one who, imitating the heroes whom Montgomery led, have, in spite of the seasons, visited the tomb of the chief, and conquered the country where he lies? Yes. You desire your share of fame. Then seize the present moment. If you do not, you will regret it; and say, "the valiant bled in vain—the friends of my country fell, and I was not there."

Advance then to our aid. I will wait for you a few days. I cannot give you the day of my departure.—But come on. Come in companies, half companies, or singly. I will organize you for a short tour. Ride to this place, if the distance is far, and send back your horses. But remember, that every man who accompanies us, places himself under my command, and shall submit to the salutary restraints of discipline.

ALEXANDER SMYTH, Brig. Gen.
Camp, near Buffaloe, 10th Nov. 1812.

To the editors of the National Intelligencer.

CAMP NEAR BUFFALO, Nov. 8th, 1812.

General Smyth has seen in the National Intelligencer the official letter of major-general V. Rensselaer, respecting the affair at Queenstown; and has observed that his name is twice introduced in a way that may require explanation.

General V. Rensselaer says, "I had on the 5th inst. (Oct.) written to brig. gen. Smyth requesting an interview with him, major-general Hall, and the commandants of the United States' regiments, for the purpose of conferring upon the subject of future operations."

On the 3d of October, general V. Rensselaer ordered a general court martial to be held at general Smyth's camp; and on the 5th he addressed a note to general Smyth, requesting an interview upon the earliest day possible, "*consistent with the business of the court martial*, and other indispensable duties."

On the 8th, in the night, the attack was made on the Adams and Caledonia. On the 9th, in the morning, gen. Smyth's brigade marched to Black Rock upon an alarm; and two of the regiments were up all that night. On the 11th, at day light, the brigade, three companies excepted, marched for Lewistown; and having proceeded twelve miles through the worst road and weather ever seen, returned, the order being countermanded.

There was no time between the 5th and the 13th of October, at which general Smyth, with the commanding officers of regiments, could have left the brigade, "consistent with the business of the court martial, and other indispensable duties." Nor would general Smyth have deemed it proper, without an *order*, to have left his brigade within three miles of an enemy, and gone, with all the officers commanding regiments, a day's journey, to repeat an opinion which he had already expressed.—See A.

In another part of his letter, general V. Rensselear says, that on the morning of the 12th, "having now determined to attack Queenstown, I sent new orders to general Smyth *to march*; not with the view of his aid in the attack, for I considered the force detached sufficient; but to support the detachment should the conflict be obstinate and long continued."

General V. Rensselaer *did not* on the 12th send orders to general Smyth *to march*.—See B.

On the 13th, about 10 o'clock, A. M. general V. Rensselaer *did* send an order to general Smyth to march, which was received about 2 o'clock, P. M. and obeyed instantly—See C.

(A.)

Extract of a letter from brigadier-general Smyth, to major-general V. Rensselaer, dated Buffaloe, 29th Sept. 1812.

"From the description I have had of the river below the falls, the view of the shore below Fort Erie, and the information received as to the preparations of the enemy, I am of opinion our crossing should be effected between Fort Erie and Chippeway. It has therefore seemed to me proper to encamp the United States' troops near Buffaloe, there to prepare for offensive operations. Your instructions, or better information, may decide you to give me different orders, which I will await."

(B)

Head-Quarters, Lewistown, Oct. 12, 1812.

SIR—I have this moment received your letter of yesterday.

To-night I shall again attempt to cross the river, and attack the enemy's batteries on the heights of Queenstown. Should circumstances render it necessary to march your brigade, I will advise you *tomorrow*. With great respect, I am sir, your obedient servant,

S. V. RENSSELAER,
Major-gen. commanding.

P. S. Lieut. col. Christie has arrived with boats, &c.

Brig. gen. Smyth, of the U. S. forces.

(C)

Head-Quarters, Lewistown, Oct. 13, 1812.

GENERAL ORDERS.—Brig. gen. Smyth will please to give orders for his brigade to strike their tents and march to Lewistown, with every possible dispatch.

By order of major-gen. V. Rensselaer.

SOL. V. RENSSELAER,
Aid-de-camp.

N. B. A Postscript to the above says, "the heights of Queenstown are carried; and the enemy's firing is nearly silenced in every quarter."

The orders given on the 10th and 13th, for general Smyth to march, were so timed, that he should not arrive to share in the honor of the expedition; but might arrive in time to bear the responsibility of its ultimate failure.

KINGSTON, (N. Y.) Nov. 17.

Col. Hawkins' regiment of Volunteer artillerists.

It is with great satisfaction we learn, that six companies and a number of small detachments belonging to this corps have arrived in New-York, and are in excellent quarters at Greenwich, where they remain till the regiment is duly organized, so as to take possession of one of the forts under general Armstrong's command. Other companies are full, and will immediately follow. Captain Freer's company will rendezvous in this village on Friday.

INDIAN WAR.

Frankfort, (Ken.) Nov. 7, 1812.

Copy of a letter from major-general Hopkins, to his excellency governor Shelby, of Kentucky, dated,

Fort Harrison, 6th Oct. 1812.

My dear sir—The expedition of the mounted riflemen has terminated. The Wabash was recrossed yesterday, and the whole camps are on their way to Busseron, where the adjutant-general will attend, in order to have them properly mustered and discharged; and where their horses may get forage during the delay necessary for this object.

Yes, sir, this army has returned, without hardly obtaining the sight of an enemy. A simple narrative of facts, as they occurred will best explain the reasons that have led to this state of things. The army having finished crossing the Wabash on the 14th inst. marched about three miles and encamped. I here requested the attendance of the general and field officers and captains, to whom I imparted the objects of the expedition and the advantages that might result from a fulfilment of them. The nearest Kickapoo villages were from eighty to one hundred miles distant, and the Prairie not more than one hundred and sixty. By breaking up these, or as many as our resources would permit, we would be rendering a service to all the territories. That from their numbers, this tribe was more favorable than any near us; and from their situation and hostility, had it more in their power to do us mischief; of course to chastise and destroy these, would be rendering real benefit to our country. It was observed by some officers, that they would meet the next morning, consult together and report to me their opinions; desiring at the same time to be furnished with the person on whom I had relied for intelligence of the country.

This council was held, and all the intelligence furnished that had been requested, and I had a report highly favorable to the enterprize. This, to me, was more gratifying, as early as our encampment at Vincennes, discontents and murmurings, that portended no wish to proceed further. At Busseron, I found an evident increase of discontent, although no army was ever better or more amply supplied with rations and forage than at this place. At Fort Harrison, where we encamped on the 10th, and where we were well supplied with forage, &c. I found on the 12th and 13th many breaking off and returning without applying to me for a *discharge*, and as far as I know, without any notification to their officers: Indeed I have every reason to suppose the officers of every grade, gave no countenance to such a procedure.

Thinking myself now secure in the confidence of my brother officers and the army, we proceeded on our march early on the 15th, and continued it four days, our course near north in the prairie until we came to an Indian house, where some corn, &c. had been cultivated. The last day of the march to this place, I had been made acquainted with a return of that spirit of discontent, that had, as I had hoped, subsided, and when I had ordered a halt near sun-set, (for the first time that day) in a fine piece of grass in the prairie, to aid our horses, I was addressed in the most rude and dictatorial manner, requiring me immediately to resume my march, or his battalion would break from the army and return!—This was a major *Singleton!* I mention him in justice to the other officers of that grade. But from every information, I began to fear the army waited but for a pretext to return! This was afforded next day by our guides, who had thought they had discerned an Indian village on the side of a grove about ten miles from where we encamped on the fourth night of our march, and turned us about 6 or 8 miles out of our way. An almost universal discontent seemed to prevail, and we took our course in such a direction as we hoped would best atone for the error in the morning. About or after sun-set, we came to a thin grove affording water; here we took up our camp; and about this time arose one of the most violent gusts of wind I ever remember to have seen, not proceeding from clouds. The Indians had set fire to the prairie, which drove on us so furiously, that we were compelled to fire around our camp, to protect ourselves. This seems to have decided the army to return: I was informed of it so many ways, that early in the next morning (Oct. 20th) I requested the attendance of the general and field officers, and stated to them my apprehensions, the expectations of our country, the disgrace attending the measure, and the approbation of our own consciences.——Against this, I stated the weary situation of our horses and the want of provisions, (which to me seemed only partial, six days having only passed since every part of the army, as was believed, was furnished with ten days in bacon, beef or bread stuff) the reasons given for returning; I requested the commandants of each regiment to convene the whole of the officers belonging to it, and to take fully the sense of the army on this measure; report to commandants of brigades, who were requested to report to me in writing; adding that if 500 volunteers would turn out, I would put myself at their head, and proceed in quest of the towns; and the balance of the army might retreat in *safety* to Fort Harrison. In less than one hour the report was made almost unanimously to return. I then requested that I might dictate the course to be pursued that day only, which I pledged myself should not put them more than six miles out of the way, my object being to cover the reconnoitering parties, I wished to send out for the discovery of the Indian towns. About this time the troops being paraded, I put myself in front, took my course and directed them to follow me; the columns moving off quite a contrary way. I sent captain Taylor and major Lee to apply to the officers leading the columns, to turn them. They were told it was not in their power. The army had taken their course and would pursue it. Discovering great confusion and disorder in the march, I threw myself in the rear, fearing an attack on those who were there from necessity, and continued in that position the whole day. The exhausted state of the horses, nor the hunger of the men retarded this day's march; so swiftly was it prosecuted that it was long before the rear arrived at the encampment. The generals Ray, Ramsey and Allen, lent all their aid and authority in restoring our march to order, and so far succeeded, as to bring on the whole with much less loss than I had feared; indeed I have no reason to think we were either followed or menaced by an enemy. I think we marched at least 80 or 90 miles in the heart of the enemy's country: had he possessed a design to fight us, opportunities in abundance presented. So formidable was our appearance in the prairie, and in the country (as I am told) never trod before by hostile feet, must impress the bordering tribes with a sense of their danger. If it operates beneficially in this way, our labor will not be altogether in vain.

I hope the expense attending this expedition will be found less than usual on such occasions. I have consulted economy in every instance; subject only to real necessity has been the expenditure; the forage has been the heaviest article.

To the officers commanding brigades, many of the field officers, captains, &c. my thanks are due; many of the old Kentucky veterans, whose heads are frosted by time, are entitled to every confidence and praise their country can bestow. To the adjutant, quarter-master-general, and the members of my own family, I feel indebted for ready, able and manly support, in every instance. Let me here include our friend George Walker, our judge advocate ge-

nepal; who lived with me, took more than a common share of fatigue and toil, and who did all in his power to further the service in the corps of spies and guides, under the direction of major Dubois, and the two companies of Kentucky and Gwatkin, who encamped near me, and were under my immediate orders. I experienced an alertness and attention highly honorable to them: These corps were ready to have gone on to execute any service; the whole amounted to about 120, and deserve honorable mention.

Mr. Barron and Messrs. Lacelly and Le Plant, interpreters and guides, deserve well of me; I am certain we were not 20 miles from the Indian village when we were forced to retire, and I have many reasons to prove we were in the right way.

I have myself (superadded to the mortification I felt at thus returning) been in a bad state of health from first to last; and am now so weak as not to be able to keep myself on my horse.

A violent diarrhea has pursued me 10 days past, and reduced me extremely low; I had resolved to continue with the line of march a little, if unable to ride. There are yet many things of which I wish to write; they relate substantially to prospective operations. Soon again shall I have the honor to address your excellency, in the mean time be assured of the perfect consideration and high regards of your obedient friend and servant,

SAMUEL HOPKINS.

Governor Shelby.

LEXINGTON, (Ky.) Nov. 13.

Extract of a letter from a gentleman in Russelville to the editor of the Reporter, dated Nov. 11, 1812.—

"Inclosed you have a detail of a battle fought with the Indians on the Illinois river, which I have copied from a piece handed to the printer in this place. I have no doubt of its correctness."

Important.—We have received information from the Illinois territory which we deem correct, stating col. *William Russell* of the 7th U. S. regiment, has defeated a party of Indians at the Peoria towns. It will be recollected that general Hopkins ordered colonel Russell with two companies of rangers, from Vincennes and to take the command of the regular troops and militia of the Illinois territory, to march up the Illinois river. The colonel collected a force of about 400 men, with which by rapid marches he got within one mile of the Indian town, where he met one warrior who was shot down, and a brisk charge made upon the town defended by about 150 Indian warriors, who were put to flight with the loss of 25 found dead, besides a number carried off.

The women and children fled to a swamp at the first approach of our men, and the warriors soon took shelter under the same covert. We had only three men wounded. Four prisoners were taken, and about 60 horses prepared to remove the women and children with all their plunder fell into our hands. It appears that the Indians of the neighboring towns had heard of gen. Hopkins crossing the Wabash, and 700 warriors marched to meet him, leaving 150 in charge of the women and children, who were preparing to move off when col. Russell arrived about 10 o'clock in the morning. He destroyed every thing in the town which he could not bring away, and left it on the same evening; 7 scalps taken in September, near Fort Harrison, and also several Indians wounded during the late attack on that place, were found in the town.

It appears that the expedition of gen. Hopkins, has had the good effect of drawing the attention and force of the Indians from the Illinois river, which afforded col. Russell an opportunity of surprising and destroying their towns.

Letter from colonel Benjamin Hawkins, Indian agent residing in the Creek nation, to the secretary at war.

CREEK AGENCY, Nov. 9, 1812.

I send you enclosed herewith the address of the national council of the Creeks to me, after deliberating eight days on their public affairs. From a mistake in the notice given of the time of meeting, the Chocktaws did not attend till the council terminated their meeting. The Hitchatees, the only town not represented, are not in opposition; those appointed to go were prevented by sickness. One of them, the Wolf Warrior, the most reputed of our lower chiefs writes me—"You sent me a talk to carry to the Seminolees; I did my duty. Part of them would not take the talk, so I gave them up to the sword, if the white people choose to give it to them. Aulot Chewan (one of the main refractory towns) may hunt their senses. There is a great many of my family blood among them. I have left them to their own fate. They are 300 miles from me, &c."

Travelling through the agency seems to be perfectly safe. During this fall, the current has been mostly from the west. As a disposition prevails at several points on our borders to misrepresent the Creeks and every thing connected with this agency, I request you to have this talk to me, with the certificates accompanying it, published in the National Intelligencer. General Hampton passed through here last month, and I requested the favor of him to examine into the conduct of the Creeks, as well as their fulfilment of their promises in relation to their murders. He promised to do so. I send you a copy of his letter on the subject. I am, respectfuly, sir, your obedient servant,

BENJAMIN HAWKINS.

The secretary at war.

[The "address" alluded to in the above, is of the most peaceable and friendly nature; but too long and of too little immediate interest for insertion at present. The letter from gen. Hampton fully supports all that col. Hawkins alledges.]

NAVAL.

An unfortunate rencontre took place between the *Monsuch* and *Joseph and Mary*, two Baltimore privateers, in which three or four persons were killed and several wounded. The mistake was not discovered until the latter, after a severe contest, had struck her colors to the former.

The beautiful U. S. schooner Carolina, to carry 14 nine pounders and 160 men, has been launched at Charleston, S. C. She is chiefly intended for the defence of that harbor and the adjacent ports against the excursions of the small cruisers of the enemy. Thus we shall, from step to step, and less to more, advance to that state of naval power, that the situation of our country and the wishes of the people so earnestly demand.

Captain Jones, late of the U. S. ship Wasp, with his gallant officers and crew have arrived at New-York, in a cartel from Bermuda. Anticipating the receipt of an official account of the action with the Frolic, &c. we will only say, that the British fought with the most obstinate bravery—being superior in men and guns, for 55 minutes, during which time they had nearly 30 killed and between 40 and 50 men wounded, and would not surrender till carried by boarding. We lost 5 men in this dreadful action, which evidently displays the superior conduct of the "yankee tars."—We pray that congress may give them the means of teaching the foe a few more useful lessons of humility. Captain Jones, with his officers and crew, have been treated very politely by the British.

Captain Chauncey's squadron sailed from Sacket's harbor on the 8th inst—They immediately chased the *Royal George* and Governor Simcoe into Kingston bay, where, protected by the batteries, the enemy lay secure for the present. He captured and sent into port two merchant vessels—and sailed again on the 13th inst. in pursuit of the *Prince Regent* and Duke of Gloucester. Captain C. appeared determined to prevent a junction of the enemy's force; and we we feel no hesitation to say that the sovereignty of *Ontario* is ours.

Admiral Warren's proclamation contains, at least, one glaring falsehood. There is no such a thing as

"*forcing*" even an *American* sailor to serve against his will, and the *British* seamen so well know it, as, in several instances, to have violently resisted their exchange from an *American* prison to aid "his royal highness, the prince regent," in his war for *British* "LIBERTY, INDEPENDENCE, RELIGION and LAW." Not one in ten of all the prisoners we have taken would return if they could prevent it. It is thought that the admiral intends to visit *New-York*, perhaps, with a view to impress men, for "his majesty's right" is *as good* on land as on water. But general *Armstrong* is well prepared to "*argufy*" this point; and will, no doubt, prove himself an able negociator. Governor *Ogden*, of New-Jersey, is also an able *lawyer*, and every way disposed to assist the general, with the *authorities* of the "Jersey Blues," page 1776. See his "general orders."

Copy of a letter from com. Chauncey to the secretary of the navy.

SACKET'S HARBOR, 6th Nov.

SIR—As I have reason to believe that the Royal George, Prince Regent, and Duke of Gloucester, have gone up the Lake with troops to reinforce Fort George; and as I have to believe that other troops are waiting at Kingston for their return, destined for the same port; I have determined to proceed with the force I have ready in quest of the enemy. My present intention is, to take a position on the Canada shore, near some small islands, called the "False Ducks," where the enemy are obliged to pass, and where I will wait their return to Kingston. If I should succeed in my enterprize (which I have but little doubt of,) I shall make an attack upon Kingston for the purpose of destroying the guns and public stores at that station.

I shall proceed for my station this evening, or tomorrow morning, with the following vessels, to wit: brig Oneida, and schooners Hamilton, Governor Tompkins, Conquest, Growler, Julia and Pert; mouting altogether 40 guns of different calibres, and 430 men including marines.

With this force, I hope to give a good account of the enemy, although he is more than double our force in guns and men. His consists of the following vessels as nearly as I can ascertain, to wit: The ship Royal George, 26 guns, 260 men—Ship Earl Moira, 18 guns, 200 men; Schooners Prince Regent, 18 guns, 150 men; Duke of Gloucester, 14 guns, 80 men: Governor Simcoe, 12 guns, 70 men; Seneca, 4 guns, 40 men—making a grand total of 108 guns and 890 men.

The officers and men under my command, are all extremely anxious to meet the enemy. We cannot command success, but we will endeavor to deserve it.

I have the honor to be, very respectfully, sir, your obedient servant, ISAAC CHAUNCEY.

The hon. Paul Hamilton, &c.

SACKETT'S HARBOR, *Nov.* 13, 1812.

SIR—I arrived here last evening in a gale of wind, the pilots having refused to keep the lake. On the 8th I fell in with the Royal George and chased her into the Bay of Quanti, where I lost sight of her in the night. In the morning of the 9th we again got sight of her lying in Kingston channel. We gave chase and followed her in the harbor of Kingston, where we engaged her and the batteries for one hour and forty-five minutes. I had made up my mind to board her, but she was so well protected by the batteries and the wind blowing directly in, it was deemed imprudent to make the attempt at that time—the pilots also refused to take charge of the vessels. Under these circumstances, and it being after sun-down, I determined to haul off and renew the attack next morning. We beat up in good order under a heavy fire from the Royal George and batteries to Four Mile Point where we anchored. It blew heavy in squalls from the westward during the night, and there was every appearance of a gale of wind. The pilots became alarmed, and I thought it most prudent to get into a place of more safety. I therefore (very reluctantly) deferred renewing the attack upon the ship and forts until a more favorable opportunity.

At 7 A. M. on the 10th, I made the signal to weigh, and we beat out of a very narrow channel under a very heavy press of sail to the open lake. At 10, we fell in with the Governor Simcoe, running for Kingston, and chased her in the harbor. She escaped by running over a reef of rocks, under a heavy fire from the Governor Tompkins, the Hamilton and the Julia, which cut her very much. All her people ran below while under the fire of these vessels. The Hamilton chased her into nine feet water before she hauled off. We tacked to the southward with an intention of running to our station at the Ducks, but it coming on to blow very heavy, the pilots told me it would be unsafe to keep the lake. I bore up for this place where I arrived last night.

In our passage through the Bay of Quanti, I discovered a schooner at the village of Armingstown which we took possession of, but finding she would detain us (being then in chase of the Royal George) I ordered lieut. Macpherson to take out her sails and rigging and burn her, which he did. We also took the schooner Mary Hall from Niagara, at the mouth of Kingston harbor, and took her with us to our anchorage. The next morning, finding that she could not beat through the channel with us, I ordered the sailing master in the Growler, to take her under convoy and run down past Kingston, anchor on the east end of Long Island and wait for a wind to come up on the east side. I was also in hopes that the Royal George might be induced to follow for the purpose of re-taking our prize, but her commander was too well aware of the consequences to leave his moorings.

We lost in this affair one man killed and three slightly wounded, with a few shot through our sails. The other vessels lost no men and received but little injury in their hull and sails, with the exception of the Pert, whose gun bursted in the early part of the action and wounded her commander (sailing master Arundel) badly, and a midshipman and three men slightly. Mr. Arundel, who refused to quit the deck although wounded, was knocked overboard in beating up to our anchorage, and I am sorry to say was drowned,

The Royal George must have received very considerable injury in her hull and in men, as the gun vessels with a long 32 pounder, were seen to strike her almost every shot, and it was observed that she was reinforced with troops four different times during the action.

I have great pleasure in saying, that the officers and men on board of every vessel behaved with the utmost coolness, and are extremely anxious to meet the enemy on the open lake; and as long as I have the honor to command such officers and such men, I can have no doubt of the result.

I think I can say, with great propriety, that we have now the command of the lake, and that we can transport troops and stores to any part of it without any risk of an attack from the enemy, although the whole of his naval force was not collected at Kingston, yet the force at the different batteries would more than counterbalance the vessels that were absent. It was thought by all the officers in the squadron that the enemy had more than thirty guns mounted at Kingston, and from 1000 to 1500 men. The Royal George protected by this force was driven

into the inner harbor, under the protection of the musquetry, by the Oneida, and four small schooners fitted out as gun-boats; the Governor Tompkins not having been able to join in the action until about sundown, owing to the lightness of the winds, and the Pert's gun having burst the second or third shot.

We are replacing all deficiencies, and I shall proceed up the lake the first wind, in the hopes to fall in with the Earl Moria and the Prince Regent; at any rate I shall endeavor to prevent them from forming a junction with the Royal George again this winter. I shall also visit Niagara river if practicable, in order to land some guns and stores that I have taken on board for that purpose. If the enemy are still in possession of Queenstown, I shall try to land them a few miles below. I shall have the honor of writing you more in detail upon this subject on my return or perhaps before I leave here, if the wind should continue a-head.

I have the honor to be, very respectfully, sir, your obedient servant, ISAAC CHAUNCEY.

Hon. P. Hamilton, sec'ry of the navy.

Copy of a letter from Mr. S. T. Anderson, enclosing one from commodore Chauncey to the Secretary of the Navy.

SACKETT'S HARBOR,
Nov. 13, 1812—(night.)

SIR—Since the enclosed letter [the above] from the com. was written, the Growler has returned with a prize, and in her capt. Brock, brother to the late general of that name, with the baggage of the latter. By the prize we learn that the Earl Moria was off the False Ducks, and the commodore has put off in a snow storm in the hope of cutting her off from Kingston.

From information received from capt. Brock, there is no question but that Kingston is strongly defended. He expressed surprise to find our vessels had got out of the harbor after having been in it; and says that the regiment to which he belongs is quartered there, 500 strong, besides other regulars and a well appointed militia. The resistance made fully justifies this report. Be assured, sir, that in the action, of which the commodore has given you an account, the national honor has been most ably supported. In great haste, your most obedient servant,

SAML. T. ANDERSON.

The honorable Paul Hamilton,
Secretary of the Navy.

PROCLAMATION

By the right hon JOHN BORLASE WARREN, Bart. K. B. Admiral of the blue and commander in chief of his majesty's ships and vessels employed on the American and West Indian station, &c. &c. &c.

WHEREAS, many British seamen are now in the United States of America, and several of them by various means have been *seduced* to serve on board the American ships, at war with the United Kingdom of Great Britain and Ireland, and others who have deserted from his majesty's service, have been FORCED to serve against their *native country:*

I therefore call upon all *British seamen* and others in the present state of the war, and before it may be too late, to join the British colours under which many of them have formerly obtained glory and honor; to repair to any of his majesty's provinces, garrisons, ships or vessels:—and upon their giving themselves up, and declaring their sense of error, I pledge myself to obtain for them his royal highness the Prince Regent's free pardon and forgiveness; and to those who are willing to enter into the British navy every encouragement they can wish.

I trust that every *British seamen* will unite in supporting the noblest cause that ever called for the efforts of men, the preservation of the *liberties, independence, religion* and *laws* of all the remaining nations of the world, against the tyranny and despotism of France, and to defend the honor of the British flag upon the sea, at a moment when Providence has blessed her arms with success, in sustaining the efforts of injured Spain and Portugal.

Given under my hand at Halifax, the 5th day of October 1812, in the 52d year of his majesty's reign.

JOHN BORLASE WARREN.

American Prizes.

WEEKLY LIST—CONTINUED FROM PAGE 192.

260 Schooner Three Sisters, laden with Plaister, sent into Salem by the Fame.

261 Schooner Comet, two guns and small arms, captured on the South side of St. Domingo, and sent into Savannah, by the Rapid of Charleston. She is laden with sugar, bees-wax, tobacco and dry goods.

262 Schooner Searcher, a New-Providence privateer, of one gun and twenty men, captured by the Rapid, and burnt.

263 Schooner Mary, of St. Thomas, captured by ditto and ransomed; not having men to spare to send her home.

264 Schooner Mary Hall, sent into Sackett's Harbor, by the squadron under the command of captain Chauncey, on lake Ontario.

265 Sloop Elizabeth, sent into ditto by ditto. On board this vessel was captain Brock (brother of the late general Brock) of the 49th British regiment.

266 Schooner —— burnt by ditto.

The new army Bill.

In the proceedings of congress is brief notice of the new army bill, introduced by Mr. *Williams*, chairman of the military committee, which finally passed after a stormy debate, excited by Mr. *Quincey*, and repelled with great force by Mr. *Williams*, and others. The third provision, which authorizes the enlistment of persons above the age of *eighteen* years, instead of 21, as heretofore, is objected to—it was pronounced by Mr. *Quincey* to be "atrocious and odious," "unequal, absurd and immoral," and that it violated private contracts, &c. The bill was defended on the practice of all nations, to secure the service of the youth—Mr. *Williams* stated, that *Great Britain* authorizes the enlistment of persons only *sixteen* years old; and further said, that the revolutionary congress had made enlistments valid in this country at the same age: he also observed, that the bill for raising a provisional army passed in 1798, which became a law, had the very provision now introduced. Mr. *Randolph* admitted this—he was opposed to it in 1798 and he opposed it now, and herein complimented himself on his consistency. Mr. *Pitkin* contended that the practice of the revolution was to have the consent of the parent, and cited a case that took place in Connecticut under the law of 1799, wherein an *apprentice* was taken from the recruiting officer by a habeas corpus, and released—and damages were sued for. This, we rather suppose, would be the case under any law that congress could pass—for the power of that body is only *prospective*.

The following were the yeas and nays on the final passage of the bill in the house of representatives—

YEAS—Messrs. Alston, Anderson, Bacon, Bassett, Blackledge, Brown, Butler, Calhoun, Carr, Cheves

Clay, Cochran, Condit, Crawford, Cutts, Davis, Dawson, Desha, Dinsmoor, Earle, Findley, Fisk, Franklin, Gholson, Goodwyn, B. Hall, O. Hall, Harper, Hawes, Hyneman, Johnson, Kent, Lacock, Lowndes, Lyle, Maxwell, M'Coy, M'Kim, Metcalf, Mitchell, Morgan, Morrow, Nelson, Newton, Pleasants, Pond, Richardson, Rhea, Roane, Roberts, Sage, Sawyer, Shaw, Seybert, Smilie, G. Smith, J. Smith, Strong, Taliaferro, Troup, Turner, Williams, Winn, Widgery—64.

NAYS—Messrs. Bigelow, Boyd, Breckenridge, Brigham, Champion, Cooke, Chittenden, Davenport, Ely, Emott, Fitch, Gold, Hufty, Jackson, Law, Lewis, Macon, Milnor, M'Bryde, Moseley, Newbold, Pearson, Pitkin, Potter, Quincy, Randolph, Ridgely, Reed, Rodman, Sammons, Stanford, Sturges, Taggart, Tallmadge, Wheaton, White, Wilson—37.

Proceedings of Congress.

Both houses have, as yet been chiefly employed in receiving petitions, &c. and in preparing business.

The bill concerning prizes and prize goods with some amendments, not affecting its general spirit, has passed the house.

Mr. Wright's retaliatory bill has been rejected, on the suggestion that the president, as commander in chief, is already invested with all the necessary powers.

Nov. 20. A bill was introduced by Mr. Williams to raise the pay of the non-commissioned officers and privates of the United States army, to eight dollars per month for privates, the officers in proportion; to exempt all such persons from arrest for debt, however contracted—to authorise the enlistment of persons over the age of *eighteen* years, and for the duration of the war against Great Britain, instead of five years, at the option of the recruit. The two first provisions were agreed to without opposition; but the two latter were violently opposed—the bill passed the house the next day. Ayes 64—nays 37.

Monday, Nov. 23.—Mr. Newton reported a bill to prevent the use of *licenses* or passes, issued under authority of any foreign power. Twice read and committed.

Mr. Cheves reported a bill for defraying the expences incident to detaching the militia; it was immediately taken up as in committee of the whole, and one million of dollars appropriated. The bill was finally passed.

A proposition to admit the *Mississippi territory* into the union as a new state, was taken up in committee of the whole and reported to the house for a third reading.

Tuesday, Nov. 24.—The bill for the erection of the Mississippi territory into a state, was passed by a considerable majority.

Mr. Jennings offered a resolution having for its object the raising of two additional companies of mounted rangers, for the defence of the frontiers.

MERCHANTS' BONDS.

Wednesday, Nov. 25.—Mr. *Cheves*, from the committee of ways and means, made the following report:—

"The committee of ways and means, to whom was referred so much of the President's message, of the 4th instant, as relates to the late importations of British manufactures—also, the petitions of sundry merchants (enumerated in the report) report, that they have bestowed on the subject a degree of attention proportioned to its importance; that they have, in the present investigation, confined themselves to the cases of importation directly from the United Kingdom of Great Britain and Ireland, and that the result of the examination and enquiries will be found:

1st. In a correspondence with the secretary of the treasury.

2dly. In a detailed examination of committees of merchants from Boston, New-York, Philadelphia and Baltimore, and some accompanying documents.

3dly. In a statement made by Mr. Russell, late charge des affaires of the United State at the court of London, who, at the request of the committee was so obliging as to attend them and give this statement.

That on a view of the whole subject, the committee are of opinion, that the secretary of the treasury has full power to remit or mitigate the penalties and forfeitures incurred, should an interposition in either way be called for by the circumstances of the case; they therefore recommend, that it be

"*Resolved*, That it is inexpedient to legislate upon the subject, and that the petition, with the accompanying documents, be referred to the secretary of the treasury."

The said report was read, referred to a committee of the whole, and made the order of the day for Monday next.

A resolution offered by Mr. *Bassett*, proposing to bestow a gold medal on capt. Hull of the Constitution frigate, and silver medals to the other officers, with ——— dollars as prize money to the officers and crew, was taken up and considered in committee of the whole. The blank was filled with $100,000, and the resolve passed, 50 to 37. The resolve was laid on the table, by the house.

THE CHRONICLE.

On Saturday night last, the extensive establishment in the city of Baltimore, known by the name of "*Johnson's Brewery*," the joint property of Mr. Johnson (our mayor) and two other gentlemen, was destroyed by fire. The loss is estimated at 90,000 dols.

Ohio election of electors. "Madisonians"—Col. John Jones, Messrs. Matthias Corwin, David Abbot, David Purviance, James Dunlap, James Richard, John Hamm, Thomas Ijams. Highest vote, 7420. Highest "Clintonian," 3301. Two Madison tickets were supported. The unsuccessful one received about 1000 votes.

Thomas Boling Robertson, is elected a representative in Congress from Louisiana.

General Thomas Posey is chosen a senator from the state of Louisiana, in the senate of the U. States, in place of J. N. Destrehan, who had been previously elected, but resigned.

Charles Tait, esq. is re-elected a senator of the U. States, from the state of Georgia, for six years ensuing the 4th of March next.

By an arrival from St. Domingo, we learn that a severe engagement had taken place between Petion and Christophe, in which the latter was defeated. The report further states, that Christophe was killed a few days after in a quarrel with one of his aids.

The present military force of France, independent of the troops of the *allies*, is given at 687,200 men.

French troops in Spain, July 1, 1810. From a French official publication—*French infantry*, 177 battalions; light infantry and auxiliaries, 49 battalions—226 battalions and 135,000 men. *Cavalry*, cuirassiers, 4 squadrons; dragoons, 96 do. chasseurs, 29 do. hussars, 20 do.—149 squadrons and 29,800 men—total, *French*, 164,900. *Foreign infantry*—Swiss 6, Germans 9, Warsaw 6, Dutch 2, Chasseurs de Montagne 3, Legion du Midi 1, Hanoverian 2, Poles 8, Irish 2, Prussians 2, D'Yssembourg 1—total, 42 battalions and 25,200 men. Cavalry, of the Confederation of the Rhine 1, Dutch 1, Westphalian 3, Hanoverian 3, Polish lancemen 4—total, 12 squadrons and 2,400 men. Total foreign, 52,600 men. Besides the above there were in Catalonia, 18 battalions and 8 squadrons of French, and 37 battalions and 14 squadrons of foreign troops—37,400 men making a grand total of French troops in the Peninsula, July 1810, of 230,400 men. We mention them at this time, to shew the species of force that Bonaparte has employed in Spain and Portugal.

A London paper says, "the government of Lower Austria have forbidden children who die of the natural small-pox, to be buried with the usual solemnities and forms. The parents and guardians of such, also, are to be publicly designated as the slaves of a fatal prejudice, unwilling to employ a sure and convenient preservative of the health and lives of those entrusted to their care, offered them by Divine Providence and their government."

We have accounts from Lisbon to the 2nd Ult. Wellington was at Burgos, and expected a general battle. Massena had entered Spain—Marmont and king Joseph had formed a junction at Granada. General Maitland, with 10,000 troops from Sicily, had made a descent upon Spain. The brother of Louis the 16th, of France, sometimes called Louis XVIII. had arrived at Lisbon from England, with a large retinue, for the purpose of joining lord Wellington.

It appears that great numbers of persons are flocking to the republican standard in Mexico, from Louisiana and the parts adjacent. Great events in that quarter are accomplishing.

THE WEEKLY REGISTER.

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Hæc olim meminisse juvabit.—Virgil.

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Legislature of New-Hampshire.

Quorums of both houses having been previously formed, his excellency *William Plumer* delivered in presence of the legislature the following speech:

Fellow citizens of the Senate, and

House of Representatives,

On the day preceding the termination of your last session, our foreign relations experienced a great and material change—a change more important than has occurred since the establishment of our general government. The aggravated wrongs, the flagrant acts of injustice, the gross insults inflicted by Britain on the U. S. and their frequent repetition, have at length induced congress, in vindication of our violated rights, to appeal to the last resort of injured nations. Britain, whose history for centuries has been characterised by *war and devastation*, has become so inured to blood and slaughter, that her government has acquired the habit of committing wrongs and inflicting insults upon the nations of the earth. She has, for a series of years, by her conduct evinced a deadly hostility to our national rights, to our commerce, peace and prosperity. She has wantonly impressed thousands of our unoffending seamen. Immurred them within the walls of her floating castles, held them in servitude for an unlimited period, often for life, and compelled them to fight, not only with nations with whom we were at peace, but to turn their arms against their own country. She has violated the rights and peace of our coasts, wantonly shed the blood of our citizens in our own harbors, and instead of *punishing* has *rewarded* her guilty officers. Under pretended blockades, unaccompanied by the presence of an adequate force, she has unjustly deprived us of a market for the products of our industry; and by her orders in council, has, to a great extent, swept our commerce from the ocean: thus assuming a right to regulate our foreign trade in war, and laying a foundation to prescribe it in peace. She has permitted her subjects publicly to forge and vend our ship-papers, to carry on a commerce with that very enemy from whose ports she interdicted our trade. Whilst her accredited minister, under the mask of friendship, was treating with our government, her spies were endeavoring to alienate our citizens, subvert our government and dismember the union of the states. And to add to this catalogue of atrocious crimes—crimes tinged with the deepest dye—have we not sufficient reason to believe, that she has excited and armed the numerous tribes of *savages*, with whom her subjects have long been connected in trade, to wage war against us! a war whose characteristic is indiscriminate cruelty, and whose object is extermination.

Where is the nation, ancient or modern, that has borne such treatment without resentment or resistance! Where is the nation that is passive under such humiliating degradation and disgrace! Surely wrongs like these imperiously demand redress. But acts of the purest justice and the strictest impartiality, confirmed by the strongest attachment to peace, on the part of the United States, were *unavailing*.—The disposition of our government, the habits, pursuits and inclination of our people, strongly urged them to maintain peace with all nations, on almost any conditions, not absolutely incompatible with the preservation of our essential rights. What stronger proof can be adduced, of the anxiety of our government to preserve peace with all nations, than that our presidents for eighteen successive years, in their official communications to congress at their annual sessions, have been obliged to state some well authenticated infringement of our national rights; and that, during that period, our ambassadors to foreign courts have been constantly charged with complaints of the numerous wrongs done to us; but that the ministers from other nations to us have not come to ask redress for wrongs, but often to excuse, to palliate or justify those inflicted by their governments. From England, our government have in vain sought redress by negociation and by commercial regulations. They exhausted the means of negociation; but instead of obtaining redress, our wrongs accumulated, and even pending those discussions that haughty court added insults to the injuries she had before inflicted.

Pacific measures having failed, congress were brought to the painful alternative of *submission or war*. Submission to a foreign power necessarily leads to all the misery and degradation of *servitude*—a name disgusting to *freemen*. Submission never checked usurpation, or satiated the lust of power, but has always augmented its demands. The wretchedness of a people who have yielded to foreign domination, has invariably been in just proportion to the degree of their submission. But congress estimated the rights of our country too high, and were themselves too just and magnanimous basely to sacrifice them at the footstool of the British throne. The war they declared in vindication of our rights is not only just, but necessary. It was a duty the nation owed to its seamen who have been imprisoned, and to its merchants who have been robbed and plundered of their property It is not less the duty of a government to defend and protect its citizens, than it is of the citizens to support government. The duties of allegiance and protection are mutual; and no good government or good citizen will hesitate to perform them. As long as the citizen performs his duty to the state, the government is bound to afford him protection. Our impressed seamen, so far from having renounced their allegiance to the U. States, now demand from the government protection, and from the nation vengeance for the wrongs they unjustly suffer from their *cruel task-masters*.

The justice and necessity of this war are much greater than most of the wars either ancient or modern, that are recorded in history, sacred or civil.—A single case from each will confirm and illustrate this position. In ancient times, certain Jews insulted and abused a *concubine* so that she died. The men of Benjamin refused to give up the culprits, and for this offence the other tribes made war on them: more than one hundred thousand persons were slain, and one of their tribes nearly exterminated. And we have the *sure word of testimony*, that God approved of that war. In modern times England waged war in support of her claim to cut logwood in the

Bay of Campeachy, and to gather salt in the island of Tortugas; and in the reign of her present king, she made war against Spain, because the Spanish court refused to let her see a treaty it had made with France, to which England was not a party, and a sight of which she had no right to demand. If God justified and supported the war of Israel to avenge the death of a single woman, will not his unchangeable justice and his invincible power succeor a war, not of our own seeking, but forced upon us by the tyranny and injustice of our enemies—a war in defence of our rights—a war to avenge the murder of our citizens, the imprisonment, slavery and death of *thousands* of our seamen! Is not the agency of the Almighty, in the nature and fitness of things, employed in promoting the cause of truth and justice, and in supporting and vindicating the *equal rights* he has himself established! Our cause is just; and if the American people, as a band of brothers, unite, and act with the firmness and resolution of freemen, our success will be *certain*.

The only constituted authority of our country which has the power to decide on our foreign relations, having declared war, that authority we are, as well by interest as duty, bound to respect and support. There is no middle course—we must support our government, or oppose it—afford aid to our country, or countenance her enemies. If we oppose the government we shall inflict punishment on ourselves, protract the war, prolong the evils we fear, or compel the government to make an ignominious and disgraceful peace—a peace which cannot long endure, and which will necessarily terminate in another war.

The multiplied wrongs and injustice of which the United States complain, have not been inflicted by England only; we have just and serious cause of complaint against France. She too has infringed our rights, and greatly embarrassed and wantonly destroyed much of our commerce. If pacific means should eventually fail to procure redress, I trust, our government in *due time*, will adopt such energetic measures as the interest, honor and dignity of the nation shall require. The wrongs committed by one of those nations against us, afford no justification or excuse for the injurious conduct of the other, nor in any degree lessen the causes of hostility, on our part, against both.

Soon after the declaration of war against England, I received a letter from the secretary of war, written by the direction of the president, requesting me to order into the service of the United States, on the requisition of major-general Dearborn, such part of the quota of the militia of this state as were detached under the law of Congress of April 10th, 1812, as he should deem necessary for the defence of the sea coast. From general Dearborn I afterwards received, at different periods, requisitions for calling out and stationing at Portsmouth harbor, four companies of the detached militia for the defence of the sea coast.

The president of the United States is by law vested with power and authority to call out the militia, to *execute the laws of the union, suppress insurrections, repel invasions, and when the United States are in imminent danger of being invaded.* In executing the laws and providing against invasions, the president, who by the constitution is appointed *commander in chief of the militia of the United States*, is judge of the time when it is necessary, and of the number of the militia that is requisite to be called into service. To admit that he has the power to order the militia into service, but no authority to determine the time or fix the number that should be called, would render the power vested in him *useless*; and might expose a portion of the citizens to inevitable destruction. In these, as well as in all other cases where he acts, he is responsible to the nation for his official conduct. His being himself subject, in common with his fellow citizens, to the good and evil effects of his administration—the high responsibility under which he acts—and the limited period for which he holds his office, afford to the people great security against a wanton abuse of power. To admit that he has the power to call upon the governors of the several states to order a portion of the militia into service, but that those governors can with propriety *refuse* to carry those orders into effect, would establish a principle of insubordination incompatible with all military principles, and would, in fact, nullify the authority vested in the president as commander in chief of the militia. Apply this principle of insubordination to one of your regiments, and consider its effects. Admit that the majors are not bound to obey the orders of their colonel, the captains and subalterns those of their majors, or the privates those of their captains: could such a regiment be respectable in peace—could it afford security in war—or even support its own existence?

If the respective governors of the several states are not bound to call out the militia upon the requisition of the president, but are to exercise their judgment whether the state of affairs require it, some governors living nearer the scene of action and having more information, would comply, but others refuse. This diversity of opinion and conduct, would produce such a state of uncertainty and confusion, as might greatly endanger the public safety. As the constitution has vested the president with the power of directing and managing our foreign relations, he must necessarily have earlier and more correct information, when the nation is in danger of invasion, than any officer can have, and of course he must be better qualified to determine when the aid of the militia is necessary.

To contend that the constitution of the United States requires that some portion of our territory should be in the actual possession of an invading enemy before the president can call out the militia to oppose that enemy, is a construction favorable indeed to the enemy, but fatal to the security of our own country; and would if reduced to practice, in a great degree and in many cases, wholly defeat the very object of the constitution, that of providing the means of security to our citizens and preventing the sore calamity of an invasion. It is a correct principle, that when doubts arise respecting the import of a law, contemporaneous constructions are entitled to great respect. In this case, we have the highest authority that the nature of the subject can admit. Both houses of congress, at early periods after the establishment of the constitution, passed two laws, the one May 2d, 1792, and the other February 28th, 1795, in both of which they expressly authorised the president to call out the militia, not only when the United States should be actually invaded, but when they should "be in imminent *danger of invasion*."—And to add still greater weight to those high authorities, general Washington, who was president of the convention that formed the constitution, and it must be admitted, was a correct judge of its intention, *approved and signed both of these laws.*

Believing that the president was in fact commander in chief of the militia of the several states, and judge of the time when it was necessary to call them out, as soon as I received requisitions from general Dearborn, *without consulting flesh and blood*, I promptly issued orders for calling into the service such portions of the detached militia as were required. Four companies under major Bassett are sta-

tioned at Portsmouth harbor, for the defence of our own sea board.

Numerous applications were made to me from various parts of the state, particularly from the inhabitants of several frontier towns, representing the frontiers as being in danger of predatory attacks from the enemy, and urging the necessity of my ordering a military force for their security. Without loss of time, I made a representation of their case to general Dearborn; who requested me to call out a company of the detached militia for their defence. I immediately issued orders accordingly: and a company under captain Mahurin is stationed at Stuartstown. These five companies are in the service and pay of the United States.

It is a tribute of respect justly due to the adjutant general M'Clary for his ready assistance; and to the brigadier generals Storer, Robinson and Montgomery, to state that the orders issued to them on this occasion, were executed with promptitude and fidelity.

Permit me to request your attention to the propriety of making some additional provision for the *detached militia.* This portion of our valuable citizens are liable on short notice, and at seasons of the year when their own business renders it inconvenient to them, to be called into actual service, for a term not exceeding six months after they arrive at the place of rendezvous. As the law of the United States allows them no bounty, clothing, or arms, is not this portion of our fellow-citizens liable to bear more than their share of the necessary burthens of the war, unless some bounty should be granted to them by the state?

Congress, on the 23d of April, 1808, having appropriated a certain annual sum for the manufacture and purchase of arms and military equipments for the militia of the United States, to be distributed to each state, I applied to the secretary of war, and received from him an order for the delivery of one thousand stand of arms. These arms have since been delivered to my order, and are now in the custody of the commissary-general of this state. It is necessary that such a law should be made for their distribution, as the exigencies of the state, and the law of congress require.

At a time when we are actually at war, I conceive arguments are unnecessary to convince you of the great importance and real necessity of improving the state and condition of our militia. To render it that *sure and natural defence,* for which it was instituted, *arms, ammunition and discipline* are indispensably necessary. In the two former we are yet in a great degree deficient. Your wisdom and patriotism, I trust, will devise the means for the necessary supply. I recommend to you the expediency of requiring each town in the state to purchase and have constantly on hand, certain quantities of gunpowder, balls and flints, to be ready for use on any emergency. I know of no law of this state, by which any appropriations are made, or authority given to any officer to purchase ammunition, blankets, tents, or any article of camp equipage—articles of absolute necessity in case we should be invaded or our militia required to march to the defence of our frontiers, or to aid our sister states in repelling an invading foe.

There are other objects of minor importance, relating to the militia, that appear to me to require legislative aid. Permit me to mention one for your consideration. The surgeon of each regiment or his mate is authorised to give a certificate to any soldier that he is unable to perform military duty; and this certificate absolutely exempts him until the commanding officer of the company and surgeon shall both decide that the disability is removed. From complaints made to me by several respectable militia officers, as well as from my own knowledge, I have reason to believe that in some instances surgeons have excused soldiers from duty without sufficient cause. The effect of this has been to create a spirit of murmuring and complaint in those soldiers who were equally entitled to certificates, but who disdaining to apply for them, performed their duty.—Another ill effect attending this law and the practice under it, is, that although the exempts obtained the certificate upon a disability that ceased long before the next muster, yet the certificate remains in full force until the captain and surgeon meet, and both of them declare the disability removed. Add to this, that the captain of the company and the surgeon of the regiment, in many cases, live at a considerable distance from each other, and cannot, without inconvenience, loss of time and money, meet to decide the question. Would not this evil be in a great measure remedied, if no soldier was excused from duty, unless the certificate was signed by both the captain of his company and the surgeon of his regiment, and if the exemption should extend to the then next muster.

[Two short *local* paragraphs omitted.]

I have freely and without reserve communicated to you my sentiments upon the peculiar state of our country, and some of the important subjects connected with its interests. My duty required me to be explicit; and I feel no disposition to shrink from its performance. This is the only apology I can make for the length of time I have detained you. And, gentlemen, be assured that I shall readily concur with you in such measures as shall promote and perpetuate the prosperity of this state, and that of our common country. WILLIAM PLUMER

November 18, 1812.

Legislature of New-York.

The following message from his excellency the Governor was laid before the house of assembly on the last day of their last meeting. It was ordered to be printed, with the documents accompanying it, and referred to a select committee, to report thereon at the next meeting of the legislature.

Gentlemen,

Pursuant to the suggestion which I had the honor to make in my public communicatian at the opening of the session, I now do myself the honor to lay before you a statement of the proceedings which have been adopted during the present war in relation to the security and defence of this state by the militia. The statement is as minute and specific as the shortness of the intervening time and the pressure of other official concerns has permitted. I flatter myself this communication will be regarded also as a substantial and satisfactory compliance with the request contained in the resolutions of the honorable the assembly, passed on the 5th inst.

In pursuance of the act of congress, entitled "an act to authorise a detachment from the militia of the United States," passed the 10th day of April last, the President of the United States, by an order under date of April 15th, required the commander in chief of this state to detach, organize and hold in readiness for public service 13,500 militia, including officers, being our quota of the 100,000 men provided for by the last mentioned act. Orders to that effect were accordingly issued without delay, and on the 18th day of June last the said quota was organized into divisions, brigades and regiments, as will appear by the general orders upon that subject; a copy whereof marked (A) accompanies this message. Previously to the organization, and antecedently to

the declaration of war, and, as I presume, in anticipation of that event, a communication was received from the secretary of the war department, announcing a requisition by the president of a detachment of the militia of this state for the protection and defence of the northern frontier thereof, and requesting me to issue the necessary orders for that purpose. From four to six hundred men were to be stationed at Niagara, two hundred at Oswego, and from six to eight hundred at some convenient place near the mouth of Black River, with authority for me to make such alteration in the appointment as I should judge proper. Upon the receipt of that order, measures were immediately taken to carry it into effect. Major-general Widrig was directed to detach from that part of his division composed of Oneida, Herkimer, Jefferson, Lewis and St. Lawrence counties, 600 men to be stationed at Sackett's Harbor. Brigadier generals Ellis, Herd and Miller, of Onondago, Madison, and Cortland counties, were to furnish their quotas of 400 men, to be stationed at Oswego, and major-general Hall was directed to detach and organize 600 men, including officers, from his division, composed of the infantry in the counties of Cayuga, Seneca, Ontario, Steuben, Genessee, Niagara, Chautanque and Cattaragus, to proceed to Niagara. The whole number required for Niagara were volunteers, and all except one company, were volunteers under the act of congress of the 6th of February last. The last mentioned volunteers amounting to 170 men, are still in service at Black Rock. The detachment destined forSackett's Harbor mustered about 480 men, including officers. They served ninety days and were then relieved. One company of the detachment for Oswego consisted of volunteers under the act of congress, passed the 6th of February, 1812, and the residue were volunteers generally. The abovementioned detachments were not organized and in service until the month of May last.

The official notice of the declaration of war was not accompanied by any further requisition or direction to reinforce the detachments abovementioned, or to station troops on the Champlain frontier, the inhabitants of which were immediately exposed both to invasion by the enemy and to the depredations of the savages. I did not therefore hesitate to decide that an emergency existed which not only authorised, but imperiously required me to exercise the discretion confided to the commander in chief by the 68th section of the militia law of this state, and accordingly the detached militia of Washington, Essex, Clinton and Franklin, and one company of lieut. col. Thorn's regiment of artillery, were placed under the command of general Moore, for the purpose of extending protection to the inhabitants of the Champlain frontier. The troops previously stationed at Niagara were directed to be reinforced by the detached quota of Ontario, Genessee, and Niagara counties,—and to the end that competent security might be afforded to the counties of Jefferson, Lewis and St. Lawrence, the detached militia of those counties and of Oneida, together with the troops previously posted at Sackett's Harbor were placed under the command of general Jacob Brown. A small reinforcement of volunteer uniform corps was also sent to Oswego. Upon being advised of these arrangements, the president of the United States approved and confirmed them, and the troops were thereafter considered in the service of U. States and have been paid accordingly. Additional quantities of arms and ammunition, and all the camp equippage under my control were forwarded immediately to the frontier arsenals and posts.

Very few of the militia were called upon for the safety of New-York or Long-Island, until the 27th day of August last, when, in consequence of a requisition for that purpose, a company of volunteer militia of that city, and sundry independent uniform companies of the city of Albany; and of the cities and villages on the margin of the Hudson; amounting in the whole to about five hundred and thirty men including officers, were stationed in the state fortification at the Narrows. Their time of service will expire on the 27th instant, as they were called out upon a requistion, made under and pursuant to the act of Congress passed 22d of February, 1795, and are not therefore liable to serve more than ninety days after arriving at the place of their distination.

In consequence of other restrictions, the first and second detached regiments of infantry, the greatest part of the first brigade of state artillery, one company of riflemen, and a volunteer troop of cavalry were directed to take the field on the 15th of day of September last, for the protection of New-York and its vicinity. A small force has also been deemed necessary for the safety of the inhabitants of Suffolk county.

Upon several requisitions the ninth detached regiment of militia, three companies of light infantry, two additional companies of artillery, and one troop of cavalry and a company of riflemen were marched to the northern frontier, and are stationed in Clinton and Franklin counties. Some of the companies were volunteers for one year's service. The infantry marched about the 10th and the residue of the troops on the 15th of September. The fourth detached brigade of infantry, with one company of horse artillery and four companies of foot artillery, upon the like requisition and orders, marched to the north western frontier about the first of September, and are stationed at Sackett's Harbor, Cape Vincent and Ogdensburgh.

The 6th and 7th brigades of the detached militia, and several independent companies, have in like manner been called into service for the security of the western frontier. The result is that of volunteers for one year, volunteers and militia detached for six months service, and corps called upon for 3 months, pursuant to the provisions of the act of congress, passed 22d February, 1795, there are now in actual service, according to the best estimate I am able to make at present, the following numbers of militia of the state, viz:

At N. York and on Long and Staten-Islands	2,200
At Plattsburgh, and the frontier towns of Clinton and Franklin counties	1,300
At Sackett's Harbor, Cape Vincent, Ogdensburgh and elsewhere on the St. Lawrence, about	2,400
At Oswego	450
At Buffaloe, Black Rock, Scholsser, &c.	2,250

The militia and regulars on the Niagara station were at first commanded by lieut. colonel Philetus Swift—then by brigadier-general Wadsworth—afterwards for a short time, by major-general Hall, and upon and after his arrival, by major-general Van Rensselaer, all of the militia. The troops at Oswego have, from the time of their arrival at that post, been commanded by lieut. col. George Fleming of the militia. The detachment in service at Sackett's Harbor before the war, was under the command of lieut. col. Bellinger of the militia. After the war and the arrival of reinforcements, the detachments from the army and militia on the frontier, extending from Sackett's Harbor to St. Regis, were commanded by brigadier-general Brown of the militia, until the arrival of the fourth detached brigade of militia, then the commandant of that brigade, gen. Dodge, being the senior officer, assumed, and now holds

the command of the last mentioned district of frontier. Brig. general Petit, commands the militia at Plattsburgh and its vicinity; but general Bloomfield of the army, being superior in rank, has since the month of September, had the superintending command of the whole force on that station. The corps formed of independent companies stationed at the Narrows, is commanded by lieutenant-colonel Robert Swartout, of the militia. That part of the first brigade of artillery in service is under brigadier-general Morton, of the militia. The first and second detached regiments of infantry, with the riflemen and cavalry, are commanded by lieutenant-colonels Jonas Mapes and Beekman M. Van Beuren, of the militia, and the whole are under the superintending command of general Armstrong, of the army, who is the superior officer in service on the N. York station.

There are sundry requisitions, orders and other papers relating to the militia in the possession of the adjutant-general, whose absence from the seat of government prevents my having immediate access to them. But the preceding statement, and the documents herein annexed, will, I hope, amply explain the authority and principles upon which the militia have been called into service, the object of their services, the times when they were called upon, the principal general orders and instructions which have been issued and given, the number now in actual service, where stationed, and by whom commanded.

DANIEL D. TOMPKINS.

Albany, Nov. 11, 1812.

[The documents consist of copies of orders from the secretary of war, general Dearborn, gen. Armstrong, &c. respecting the requisitions of state militia.]

Representation

OF THE REPUBLICAN MEMBERS OF THE LEGISLATURE OF NEW-JERSEY.

We, the undersigned members of the legislature of New-Jersey, viewing with deep concern the injurious tendency of a certain declaration of the legislative council and general assembly of the state of New-Jersey, think it a duty we owe to the general government, to our constituents, and to our own characters, to express our decided disapprobation of said declaration and resolutions.

In contemplating this extraordinary declartion, the undersigned perceive in it a rooted hostility to the administration of the general government, calculated to suppress every genuine American feeling, and evidently seeking consolation from the power and success of our enemies, and in the disasters of our country. All the manly sentiments of patriotism that ought to animate the representatives of freemen, appear to the undersigned, to have been absorbed in a rancourous hatred to the president of the United States and those acting in the administration with him.

The outrages and injuries inflicted on the commercial rights of our country, and on the persons of our citizens are shut out of view and an artful and humiliating apology for the British practice of impressment substituted in its place.—The evils of war are painted in the most frightful colors as though it was a cardinal point in the politics of some Americans, to intimidate the country into submission to the unrighteous pretensions of Great Britain.

The suggestion of an apprehension that the American government are about to form a confederacy with France, is, in the opinion of the undersigned, wholly without foundation.

Whatever may have been the motives of the framers of this declaration and resolves, the undersigned perceive in them a direct tendency to paralize the efforts of our country and government in a war undertaken for the protection of the property and persons of our citizens and the maritime rights of the nation; to encourage the enemy in the prosecution of the war; to destroy the confidence of the people in the government of the United States; to shake the foundations of the union; foment civil dissentions, and introduce anarchy: all tending to the ruin of our happy country and the misery of the people. We therefore, feel it a duty, to express unreservedly our opinion that the sentiments contained in said declaration and resolves, will meet the unequivocal disapprobation of the great body of the citizens of the state of New-Jersey, who have too much virtue to enlist themselves under the banners of the ancient enemies of their liberties and independence, in hostility to their own government and country.

Ebenezer Seely,	*John Haas,*
Barnabas Swayze,	*Benjamin Ludlow,*
Charles Clark,	*Joseph Sharp,*
M. Dickinson,	*James Wilson,*
Silas Condit,	*James Davidson,*
R. W. Rutherford,	*James Newell,*
Jeremiah Dubois,	*Jephtah B. Munn,*
Ephraim Bateman,	*Stephen Willis,*
Samuel Pennington,	*F. E. Van Mester,*
Simon Cortright,	*Charles Kinsey.*
Stephen Dod,	

Legislature of North-Carolina.

To the hon. the General Assembly of North-Carolina:

GENTLEMEN—It exhibits a pleasing spectacle in ordinary times to behold the representatives of the freemen of this state, assembled for the purpose of devising and adopting such measures as may seem best calculated to promote the happiness and general welfare of their constituents. If such is the case when peace and tranquility prevail, how much more interesting must it be to behold them convened in their legislative capacity, at a period when our country is called upon to maintain, at the point of the bayonet, her rights, liberty and independence. Your situation, gentlemen, exhibits the latter.

An official communication from the secretary of state of the U. States reached my office on the 23d of June last, announcing the declaration of war by the constituted authorities of the nation, against the kingdom of Great Britain and its dependencies. The insolence, the injustice, and the complicated aggressions on the part of that nation against the United States, not only afforded our government abundant cause of an appeal to arms long before the period when that event took place, but *seemed* in the most commanding terms to call for the adoption of that alternative, in order to convince the enemy and the world that we possessed the will and the power to maintain and defend that *liberty* and *independence* which emanated from, and was secured to us by the glorious struggles of our revolutionary fathers. Although our government must have been fully sensible that her reiterated attempts to bring about an amicable adjustment of the differences subsisting between the two nations, would be considered as arising from a want of courage to vindicate her violated rights, by a recourse to arms; yet actuated by a love of peace, one of the most prominent features of her character, she had the *firmness* to persist in trying every experiment which seemed to promise the attainment of that desirable object. The overtures on the part of our government had been uniformly made on principles the most just and equitable, but the British cabinet by not listening to them, had manifested their determination not to accede to any propositions that were not consonant to what *they were pleased to term* the rights and privileges of the British nation, in contradiction to the established rights, and incompatible with the safety of independent nations. The indulgence extended to that nation was carried to a dangerous and almost inadmissible length, while the leading circumstances which characterised the reiterated abuses of the moderation of our government, were each of them of a nature to have exhausted any less settled system of forbearance. All attempts at negociation having finally proved unsuccessful, and *degradation staring us full in the face*, the unavoidable alternative was matter of the deepest regret, and a disappointment to our sanguine expectations for the restoration of friendship and a good understanding between the two countries. Thus situated, either disgracefully to submit to British insolence, injustice and aggressions, and perhaps finally to the British *yoke*; or, boldly to appeal to arms to avert the *degradation* which hovered over us, to redress our wrongs, and to place our national character, sovereignty and independence upon a basis not to be shaken, the constituted authorities of the nation would not have acted in consonance with the high sentiments of the American people, if they had abandoned themselves to a direct confession of the inability in our country to maintain the honor, dignity, and exalted rank which she holds among the great

nations of the world: But animated by kindred sentiments with those which pervaded their injured and insulted constituents, after having without success exhausted all resources, in order to preserve peace upon honorable terms, they with manly firmness embraced the last resort—an appeal to arms, to rescue their country from impending disgrace and ruin.

When we reflect that the war in which we are at present engaged has not, in any degree, been provoked on our part—that all our efforts to conciliate, so far from having the contemplated and desirable tendency to produce peace, had the effect to stimulate the British government to fresh acts of unprovoked hostility—and, in fine, when we reflect that in pursuing the course which had been marked out by our forbearance, we had reached the brink of *degradation*, and that by advancing one step further our national character would have been plunged into irretrievable disgrace, our feelings *irresistably* prompt us to admit, that the declaration of war on our part, was not only *justifiable* but *indispensably necessary* for the maintenance of the honor, dignity and independence of our country.

A war founded in justice, and having for its object the preservation of the character and sovereign rights of the U States, imposes an obligation on all the departments of the general and state governments, and indeed on the whole American people, to afford it their *vigorous* and *effective* support. It is your province, gentlemen, as the most efficient branch of our state government to devise and adopt such measures as to you may seem best calculated to give energy to the constituted authorities of the nation, to mitigate the evils of war to our own citizens, to render it effectual against the enemy, and to bring it to a just, speedy and honorable conclusion. *Unanimity* and *vigor* are so essentially connected with the accomplishment of these objects that without them the best concerted plans may be frustrated, the arm of government paralized, and the most disgraceful and ruinous consequences result to our national liberty. Therefore, permit me *earnestly* to entreat you at this important crisis, to consign, to oblivion *party distinctions*—to banish from your walls those *party heats* and *animosities* which have unfortunately so long existed in our country, which if cherished at times like the present may endanger the fundamental principles of our political existence, and render us an easy prey to a contemptible enemy; and as the representatives of a free people contending for their *sacred rights* and *privileges*, to support with *unanimity* such measures as may seem meet and necessary for the defence and security of those *inestimable blessings*. United, we have nothing to fear from our enemies. Divided, all is at hazard. Notwithstanding there may have existed a difference of opinion as to the propriety of the declaration of war at the time when that event took place, yet, as the objects now at stake are all important, your wisdom and patriotism are sure pledges of your zealous co-operation in prosecuting the contest with the *utmost vigor*, as the only effectual means of conducting it to a speedy and successful termination. Let England be taught to know that the present race of Americans are not of spurious origin—that they are the legitimate offspring of the heroes of our revolution: She will *then* respect our rights, and the *savage war-hoop* will cease to terrify the defenceless inhabitants of our extensive frontiers.

While we are *vigorously* pursuing the course which our government has been *compelled* to adopt against Great Britain, it may be essential to our *safety* to guard against the *wiles* and *intrigues* of a no less inveterate enemy to our *rights* and *liberties*—*the emperor of the French*—Our differences with him, as the President of the U. States in his recent communication to Congress, has informed the nation, are yet in an unsettled state. He has furnished incontrovertible evidence of his superior claims to a pre-eminent practical knowledge of all the *vices* and *enormities* which render a human being odious in the eyes of God and man. Crimes and intrigues the most wicked: the most shocking to humanity, he has resorted to, in order to accomplish his nefarious purposes, gratify his boundless ambition and insatiable thirst for *universal dominion*. Unoffending nations on the continent of Europe have felt the full force of his *friendship*; they have been crushed by its *ardor*, and still groan under its continuance. A stranger to equity and justice, he would do violence to his natural propensities were he to make suitable atonement for *any one* of the volume of aggressions which he has perpetrated against the rights of independent and neutral nations. From such a character, whose *despotic will* is the supreme law of his empire, and whose thirst for conquest cannot be satiated by any thing short of the subjugation of the whole world, have the U. States *reasonable grounds* to expect restitution for the multiplied injuries and spoliations which they have experienced at his hands, *unaccompanied by views connected with his own aggrandizement?* Knowing the governing principles of his actions, the United States would be lost to a sense of every thing conducive to the preservation of their honor and best interests, were they to enter into an *alliance* with him *on any conditions* or *in any manner whatever*. That this grand and favorite *snare* of his, as we are engaged in war with England, (his rival, as well in war as in aggressions upon our rights) will *now* be laid for the U. States, we have every reason to expect: Should such expectation be verified, it will be for our country to determine whether she will be allured into it. It is not to be doubted that an open and direct war with the French nation is an evil less to be dreaded than an entangling alliance which would not fail to produce the most humiliating effects upon our national character, and from which we should not be able to extricate ourselves *but* by an appeal to arms.

Therefore, gentlemen, *as Americans*, let us unite in vigorously prosecuting the war against England, and *as Americans*, let us unite in demanding justice from, and guarding against the intrigues of France. Let us teach both these nations, *that the condition of our friendship, is the redress of our wrongs.*

In the month of April last, I was called upon by the President of the United States, through the secretary of the department of war, to organize, arm and equip according to law, and hold in readiness for actual service, seven thousand of the militia of this state, officers included, being her quota of one hundred thousand militia which the President was authorised to detach from the several states, by virtue of an act of congress passed the 10th day of that month. In obedience to this call, I instructed the adjutant general to distribute the necessary orders to have the requisition complied with, as soon as practicable. My instructions were executed by him with the utmost promptitude and dispatch. The returns were received within the period prescribed by law, and have been transmitted to the war department. It is highly gratifying to me to have it in my power to state to you, upon information derived from most of the general officers, that nearly the whole of their respective quotas were made up of volunteers; and it gives me additional pleasure to remark, that several volunteer companies in different sections of the state, have made an offer of service as part of the detachment; on all of whom, but more especially on some of them, who have recently solicited to be called into service whenever necessity may require an augmentation of the troops already on duty, too much praise cannot be bestowed. While the voluntary offer of those brave men *without effective arms in their hands*, to risk their lives in defence of their country's violated rights, redounds to *their* honor and patriotism, it furnishes ample grounds for the presumption that, *if adequate and suitable provision in every respect* was made, volunteers to meet any emergency could easily be procured.

No provision has been made by law for arming and equipping this detachment. The laws of congress and of this state require, that the individuals composing the detachment should arm and equip themselves. The commissioned officers may have it in their power to comply with those laws; but a compliance on the part of the non-commissioned officers and privates is impracticable: Not because they are destitute of the means (which however is unfortunately the case with many) to enable them to purchase them; but because arms of the description to be useful in the field, and such as they are required, by the act of congress, to furnish themselves with, are not to be found for sale in this state. Admitting, however, that every opportunity was afforded to individuals to purchase their own arms, would it not seem to be peculiarly hard, that the man who is drafted or the brave soldier who voluntarily steps forth to fight the battles of his country, should, moreover, be *compelled*, by the laws of that country, to furnish his own arms? It has generally been conceded that the militia of our country is the *bulwark* of our safety—it cannot be denied, that if, *in times of war*, they are *unarmed* and *unprovided with the munitions of war*, it must be in a *tottering* situation. Therefore, it must be indispensably necessary that *effective arms* and *the necessary military equipments* should *now* be provided for such portions of them as may be subject to be called upon to do duty in the field. Without those *requisites*, a force whose bravery might be unequalled, would be *merely nominal*;—and from which, opposed by a well armed and well disciplined enemy, vastly inferior to them in point of numbers, it would be unreasonable to expect any thing short of a total defeat. It may be proper *here* to observe, that in answer to a letter which I wrote to the secretary of the war department, dated the 3d of June last, asking to be informed as to the number and kind of arms to which this state was entitled under the act of congress passed in the year 1808, to arm the whole body of militia of the United States, whether her proportion of those arms had been transmitted, and, if not, when I might expect to receive them, he informed me, that, in conformity to the act, two thousand stands of arms would immediately be forwarded to the United States' commanding officer at Fort Johnston, subject to my order. These arms (muskets and bayonets only) were accordingly received, and receipted for, under that act. As they were not transmitted by the general government for the special purpose of being placed in the hands of the detachment, but in conformity to the provisions of that act of congress, they have been considered as the common property of the state.—No provision has been made by law for their distribution. But admitting that those muskets are, by your directions, distributed among the men composing the detachment, they will not only be insufficient to arm one third of them, but must be entirely useless unaccompanied by the necessary munitions of war. As we are engaged in war, the *necessity* of placing the state *in a warlike attitude*, is so obvious that no room is left for a doubt upon the subject.

While your attention is directed to this important subject, might it not be proper to extend your enquiries into the expediency or propriety of making some provision to promote and encourage volunteer associations under the act of congress, and the act supplementary thereto, authorising the president to accept the service of 50,000 volunteers? I have recently been informed, that in many parts of the state exertions are making by patriotic individuals to raise volunteer companies under those acts. When it is taken into consideration that troops of this description, owing to their approximation to regulars, promise the utmost efficiency in their operations in the field, would it not be very desirable that every inducement should be afforded which seemed calculated to promote their enrolment? It is true that they are to be armed, equipped and paid by the general government, but they are to furnish their own clothing. Would it not accelerate the enrolment of those volunteers if some provision was made to furnish them suitable uniforms and other necessaries?

In consequence of the imperfection of our militia laws the detachment from this state could not be well organized. It is destitute of an adjutant-general, quarter-master-general and many other staff officers of lower grade, though indispensably necessary to the perfect organization of an army. And so far as it relates to our militia generally it may, with the utmost confidence be said, that our present system cannot be productive of any thing bordering upon even a tolerable discipline. Therefore, gentlemen, permit me in the most pressing manner to recommend to you a *total* revision of our militia laws.

Under a conviction that the declaration of war rendered an early meeting of the general assembly indispensably necessary, I dispatched messengers, shortly after I was officially informed of that

event, to the council of state, requesting their attendance at the seat of government on the 14th of July last. A majority of that honorable body accordingly met on that day. After being informed that they were organized and ready to receive any communication I might have to lay before them, I informed them of the declaration of war and of the receipt of the above mentioned muskets and bayonets—that except those, the state was destitute of suitable arms and munitions of war of every description—that we had been called upon by the President of the United States to detach seven thousand of the militia of this state, who were without, and who could not procure effective arms; and finally (it being deemed by me unnecessary to enter fully into the detail of all the provisions necessary to be made by the legislature in consequence of the declaration of war) their opinion was asked whether the general assembly should not be convened as early as practicable in order that provision might seasonably be made to obviate *any evils* which might arise from our unprepared situation for war, and to place the state in an attitude to support her dignified rank in the union. The council were *unanimously* of opinion, that it was neither advisable nor expedient that the general assembly should be convened earlier than its regular time of meeting.

In pursuance of instructions which I had received from the secretary of the war department, to call into service such number of the detachment as major-general Pinckney might deem necessary for the defence of the sea-board of this state, and in compliance with a requisition made by him in the month of July last, I ordered into service eight companies, four of which were stationed at Fort Johnston and four at Fort Hampton. Those companies being without arms when they were called into service, I conceived that I should be warranted by the existing necessity in causing an adequate number of those arms which had been received as before stated, to be furnished them at those posts. I therefore gave directions to that effect, and in conformity thereto they were furnished with *five hundred and fifty* stands. To a volunteer company raised in Washington for its immediate protection, and to a company of the detachment at the seat of government, it was deemed necessary to make a further distribution of *one hundred and fifty* stands of those arms. There are in the hands of a volunteer company at Fayetteville *one hundred and thirty* muskets, exclusive of those already mentioned, which are considered the property of the state. As a safe depository for, and in order to facilitate an equal distribution of them, I have caused the residue of those arms (thirteen hundred stands) to be removed from the sea-board to Fayetteville. Receipts have been taken for the arms which have been distributed, and the persons in whose possession they are, are bound to return them in good order when called for by the proper authority. It is with you, gentlemen, to order such distribution, as well of those which have been distributed by my directions, as of those remaining in Fayetteville, as you may deem expedient.

Two of those companies stationed at Fort Hampton, and one of those stationed at Fort Johnston, have been dismissed from service. This reduction has been deemed advisable by general Pinckney, in consequence of the progress made in the recruiting service in the lower part of this state. In a communication which I received from the general on the 9th inst. he informed me that the residue of the state troops would shortly be relieved by detachments from the 10th United States' regiment, and that when relieved, they might be permitted to return to their homes. It affords me the greatest satisfaction to be able to inform you that the conduct of the troops remaining in service, as well as that of those who have been dismissed, has been highly meritorious. I have been informed, from a source entitled to the greatest credit, that there have been but few desertions; that they have been orderly, attentive to their duty, so that their progress in the knowledge of military tactics has surpassed the most sanguine expectations.

Conceiving that the extensive sea-coast of this state required some defence against that predatory warfare which we might reasonably expect would be carried on by the enemy, I made a communication in the month of September last, in relation to that subject, to the secretary of the war department; in which I suggested to him the plan of calling out portions of the detachment, as occasion might require, whose services and compensation should be commensurate with that occasion, as promising the best protection that could be afforded under existing circumstances. In answer, I was informed by him that a copy of my letter had been transmitted to major-general Pinckney, to whom the subject, embraced in it, had been referred. In the month of October I received from that officer a communication, wherein he acknowledged the receipt of the copy of my letter to the secretary of war, and expressed a conviction that the plan suggested by me was the best protection that could be afforded by the means placed at his disposal. To facilitate its execution, he then made a requisition of me to issue orders to the officers on the sea-board, instructing them, that in the event of an attack made, or obviously intended to be made, by the enemy on any part of the sea-coast, not within supporting distance of the troops already stationed there, they should call into service so many of the detachment as the occasion might require, without further orders. In conformity thereto, I have issued orders, through the adjutant-general to major-gen. Thomas Brown, requiring him to give orders to colonel Flowers of the 1st and colonel Bruton of the 2d regiments of detached militia, whose commands embrace the whole extent of our sea-coast, to be in readiness to repel any invasion, and to give instructions to the officers of their respective regiments to call out the men under their command, should events render it necessary, without further orders; thereby placing it in the power of all the officers attached to those regiments to act upon an emergency with that promptness necessary to be used in repelling predatory incursions.

[*The rest of the message, which is also very long, is strictly local.*]

WILLIAM HAWKINS.

Raleigh, November 13, 1812.

Events of the War.

In daily expectation of important news—from *Dearborn*, *Smyth* or *Harrison*—from *Chauncey*, on Ontario, and *Rodgers*, *Decatur* and others on the great ocean—we kept open our pages until the last moment, in order to gratify our readers with the latest intelligence—but "there is no news."

The army collected at Plattsburg left that place on the 16th ult. under the command of major-general *Dearborn*. The troops, whose number is variously stated, were furnished with 26 rounds of ball cartridges each—the regulars were joined by large bodies of militia from Vermont, and the whole was in high spirits and excellent condition. The U. S. vessels of war on lake Champlain, at the same time, moved to the north, and there appeared every prospect of an immediate descent upon Canada, with a view of taking *Montreal*. Two days after, *to wit*, on the 18th, the army encamped at Champlain, about half a mile this side the lines—since then we have no account of it. General *Bloomfield* was sick, and did not march with the troops.

Brigadier-general *Smyth* appears from his last proclamation to be on the very point of entering Canada. The fact is confirmed by private letters to the editor from Buffaloe.

From brigadier-general *Harrison* we have nothing of importance. The time has not yet come for active operations. Immense supplies are still proceeding to his army—and when it comes into contact with the enemy we shall calculate upon a glorious victory.

To the *South* we have also looked with great anxiety; but we have no particulars—further than that the legislature of Georgia considering that state as in "imminent danger," were about to adopt measures, having, perhaps, for their *ulterior* object, the seizure of Florida—or at least the dispersion of the *hostile* force.

It appears wonderful that we hear nothing from any of our vessels of war. It seems impossible that they should have so long cruized the sea without meeting the enemy. But, when we do hear of them, be their fate what it may, we shall hear of deeds of glory—unless fortune is so unkind as to keep the enemy from them. The British frigate *Southampton*, whose captain, sir *James Yeo*, sent an impudent and brutal challenge to captain *Porter*, of the United States frigate Essex, is on the coast—and all the harm we wish the creature is—that *Porter* may get along side of him—that's all.

But though we have no great news of the war, the reader will find a good deal of interesting matter in the present number of the REGISTER.

MILITARY.

By general orders, Head-Quarters, New-York, Nov. 21, 1812—the new fort on the Hudson has taken the name of "CANSEVOORT," as a small tribute of respect for the military services and character of the late brigadier-general Cansevoort, of the U. States army.

A new fort is building at *Ogdensburgh*, N. Y.

"*Fort Winchester*," lately erected, is a few rods higher up the Aughize, than old *Fort Defiance*.—Several boats have lately been built here, for government use.

Orange county, New-York, has furnished four companies of regular troops, recruited since the declaration of war—five companies of volunteers have also been organized, and left the county for the defence of New-York. This is practical patriotism.

The anniversary of the evacuation of New-York by the British, was observed in high stile in that city on the 25th ult.

One hundred and eighty officers and soldiers of the 4th United States regiment, the "Tippecanoe boys" have arrived in a cartel at Boston from Quebec. Other transports were expected with the remainder. They have since arrived.

New-Hampshire Volunteers.—Enlistments for *eleven* companies in this state (says a New-Hampshire paper) have commenced, *nine* of which are now nearly full. There is a good prospect that as fine a regiment of hardy fellows as ever shouldered a musket will be raised, all of whom are ready to march where the government may require them. Too much praise cannot be bestowed on the silver-headed veterans who have been active in enlisting men, and who have pledged themselves to support, at the mouth of the cannon and the point of the bayonet, the rights of our injured country.

A letter from col. Edward P. Gaines, of the U. S. army, dated at Knoxville, Ten. Nov 16, says "a war with the Lower Creeks seems now inevitable"—but the col. is inclined to believe that the Upper Creeks, being further removed from foreign influence, will remain at peace, if the "Siminoles do not obtain a few partial victories," and if "a strong British force does not make its appearance in West Florida." We trust all these apprehensions, as well as those of the people of Georgia, may be allayed by a law of the U. States, authorising, at least, a temporary possession of the whole country.

There is a strange resemblance between the conduct of the *British* and many persons in the United States, differing only in the things alluded to. When the frigate *Constitution* sailed from Washington city she was represented as "*defective*" in almost every thing—but she was so well fitted as to make her escape from a large British squadron possessing great advantages—an escape that reflected as much honor upon her officers and crew as the subsequent victory over the *Guerriere*. It was then that the *Guerriere*, though a few days before represented as one of the best vessels in the world, was found "*defective*;" but this discovery was made by the *British*. According to the language *here*, every thing *American* is "*defective*"—so also was the *Alert*, taken by the *Essex*, and the *Frolic* (British vessels) taken by the *Wasp*—the latter was particularly so, and besides "unprepared for action," though she fired the first gun! We should not be surprised if the lovers of "defective," *at home*, were to represent all the soldiers of the United States as "defective" in *legs*, because the government had neglected to supply them with *garters*—nor would it be matter of astonishment if the *British* should solemnly depose and swear that the next ship our gallant tars may fall in with, was nothing more than an old *anchor* floating on the surface of the water, with three *setting poles* stuck into it by way of masts!

A letter from Natchez says, that col. Claiborne, at the head of 5 or 600 men of the militia of the Mississippi territory, had marched for Baton Rouge, with a supposed ulterior destination for *Pensacola*.

Adjutant-general's office, Washington city,
25th Nov. 1812.

GENERAL ORDERS.—Certain publications having appeared in the news-papers, giving information in detail of the strength and probable objects of the armies to which the writers are said to belong; which information, if true, is calculated to apprize the enemy of their real strength, if incorrect, to mislead the public mind; it has become necessary to put a stop to all such publications in future, by reminding the officers and soldiers of the army, that all communications relative to their duties, or to the public service, should be made to their immediate commanding officers, and forbidding them to correspond on these subjects with any other persons, reserving to all concerned, the rights secured to them by the rules and articles of war. By order of the secretary of war.

T. H. CUSHING, Adj. Gen.

GENERAL SMYTH TO THE SOLDIERS OF THE ARMY OF THE CENTRE:

Companions in arms!—The time is at hand when you will cross the stream of Niagara, to conquer Canada, and to secure the peace of the American frontier.

You will enter a country that is to be one of the United States. You will arrive among a people who are to become your fellow-citizens. It is not against *them* that we come to make war. It is against that government which holds them as vassals.

You will make this war as little as possible distressful to the Canadian people. If they are peaceable, they are to be secure in their persons, and in their property, as far as our imperious necessities will allow.

Private plundering is absolutely forbidden. Any soldier who quits his rank, to plunder on the field of battle, will be punished in the most exemplary manner.

But your just rights as soldiers will be maintained. Whatever is *booty*, by the usages of war, you shall have. All horses belonging to artillery and cavalry; all waggons and teams, in public service, will be sold for the benefit of the captors. Public stores will be secured for the service of the United States. The government will, with justice, pay you the value.

The horses, drawing the light artillery of the enemy, are wanted for the service of the United States. I will order *two hundred dollars*, for each, to be paid to the party who may take them.

I will order *forty dollars* to be paid for the arms and spoils of each savage warrior, who shall be killed.

Soldiers!—You are amply provided for war. You are superior in number to the enemy. Your personal strength and activity are greater. Your weapons are longer. The regular soldiers of the enemy are generally old men, whose best years have been spent in the sickly climate of the West-Indies. They will not be able to stand before you, when you charge with the bayonet.

You have seen Indians, such as those hired by the British, to murder women and children, and kill and scalp the wounded. You have seen their dances and grimaces, and heard their yells. Can you fear *them?* No—You hold them in the utmost contempt.

Volunteers!—Disloyal and traitorous men have endeavored to dissuade you from doing your duty.—Sometimes they say, if you enter Canada, you will be held in service for five years. At others they say, that you will not be furnished with supplies. At other times they say, that, if you are wounded, the government will not provide for you by pensions.

The just and generous course pursued by the government towards the volunteers who fought at Tippecanoe, furnishes an answer to the last objection.—The others are too absurd to deserve any.

Volunteers!—I esteem your generous and patriotic motives. You have made sacrifices on the altar of your country. You will not suffer the enemies of your fame to mislead you from the path of duty and honor, and deprive you of the esteem of a grateful country. You will shun the *eternal infamy* that awaits the man, who, having come within sight of the enemy, *basely* shrinks in the moment of trial.

Soldiers of every corps!—It is in your power to retrieve the honor of your country; and to cover yourselves with glory. Every man who performs a gallant action, shall have his name made known to the nation. Rewards and honors await the brave. Infamy and contempt are reserved for cowards. Companions in arms!—You came to vanquish a valiant foe. I know the choice you will make. Come on, my heroes!—And when you attack the enemy's batteries, let your rallying word be, "*the cannon lost at Detroit—or death.*"

ALEXANDER SMYTH,
Brigadier-General, Commanding.

CAMP, NEAR BUFFALO, *17th Nov.* 1812.

FRANKLINTON, No. 19, 1812.—An express arrived here this morning with a despatch from brigadier general Tupper, containing his report to general Harrison, of his late expedition to the Rapids of the Miami, for the purpose of driving off a body of Indians and British, who had assembled there to take off a quantity of corn which remains in the fields at that place. Gen. Tupper arrived with his command at the Rapids, undiscovered by the enemy, in the night of the 13th inst. He immediately made a disposition for passing the river, and some few of our men got over, but the greater part of them missed the ford, and many of them were in great danger of drowning—they were however rescued by the few horses which general T. had with him, but lost a part of their arms. As soon as the day appeared, and they were discovered by the enemy, the gun and other boats that were in the river, sliped their cables and escaped down the lake. The Indians, however, more brave than their allies, crossed over on horses and made several violent attacks upon our troops. They were received with firmness, driven back and forced to recross the river with considerable loss.

Gen. Tupper finding it impossible to cross the river, and being entirely out of provisions, as the men took nothing with them except what they carried on their backs, was obliged to return—four were killed on our side and one wounded—the enemy were seen to carry off many of their dead and wounded in the action on the land, and many more were knocked off their horses in recrossing the river.—The Indians were commanded by the Wyandott chief, Splitlog, who was very conspicuous, being mounted upon a fine white charger. This chief was supposed to have been killed or wounded, as another Indian was upon the horse at the close of the action.

The following is the order issued by general Harrison on the subject of this expedition:

N. W. ARMY, HEAD-QUARTERS,
Franklinton, November 19, 1812.

GENERAL ORDERS—The commanding general returns his thanks to brigadier-general Tupper and the corps which lately advanced to the Miami rapids, for the perseverance, zeal, activity and bravery with which they conducted themselves on that enterprize. A casual circumstance only, and one which neither the general or his men could control, prevented them from surprizing and cutting to pieces a detachment of the enemy, equal in numbers to their own. The measures of general Tupper appear to have been highly judicious, both in his advance to the enemy, and in resisting their attacks. The general is sorry that any circumstance in an affair which reflects honor on almost the whole of the troops engaged in it, should deserve his censure; such, however, is merited by the small detachment, which, in the face of a positive order from their commander, left their ranks to gather corn, and pursue a drove of hogs. But for this disorderly conduct, general Tupper would have brought back in safety his whole command.—The commanding general feels, however, so much more to praise than blame, in the conduct of general Tupper's detachment, that he derives no small satisfaction in exhibiting it as a worthy example of military spirit and enterprize to the rest of his army.

(Copy)

NATHL. F. ADAMS,
Deputy Adjutant-general.

NAVAL.

On Thursday, the 26th ult. captain Stewart, of the *Constellation*, then lying at Washington, nearly ready for sea, only waiting for a few additional hands, gave a splendid entertainment and ball to several hundred ladies and gentlemen, specially invited.—The President, heads of departments, and a large majority of the members of congress were present. Captains *Hull* and *Morris*, late of the Constitution frigate, partook in the festivity. When the President came on board, and when he parted from the ship, in a boat under the direction of capt. *Hull*, salutes were fired from the ship "with great effect." We have no doubt but that the *Constellation* will sustain her high reputation, and that captain Stewart will direct better salutes than these to the enemy.—All our sailors are happy in the *management of balls.* Witness the *Constitution* and *Wasp*, the effect of whose fire was destructive beyond precedent.

U. S. naval force on lake Champlain. Sloops of war—*Bull-Dog*, one long 18, two 12's and four 6 pounders. *Hunter*, one long 18, and 14 six pounders. *President*, six 18's and two 12 pounders—with about six gun boats, each carrying a 12 pounder—all well manned by *invincibles.*

The *Alert* has been fitted out at New York, and is now recruiting men. She will supply the place of the *Wasp.*

The *General Armstrong* privateer of New-York carries 18 long nines and a 42 pounder, amidship, and 150 men. The large gun weighs *three tons and a half.*

The enemy force increasing.—There have lately arrived at Halifax from England, the Clarence, Chatham and Ramillies, of 74 guns; the Macedonian, of 38, and Magicienne and Stagg, of 36.

Very few prizes have reached Halifax for several weeks past—nor are our privateers doing much at present.

The vulgar have believed that the British vessels of war were always in the best possible state for action—this, it now seems, is not true, for all the vessels *we* have any knowledge of—*to wit*, the *Guerriere*, *Alert* and *Frolic* have been found to be wonderfully "*defective*"—*in the British accounts.* A very pitiful method of maintaining their pretensions to the sovereignty of the sea.

A Boston paper speaks of, and acknowledges, the British practice of impressment as a RIGHT.

A Philadelphia paper says that the line of battle ships to be built by the United States instead of being called 74's will be denominated *seventy-sixers*, in allusion to the era of American Independence.

Copy of a letter from captain Jones, late of the U. S. sloop of war the Wasp, to the secretary of the Navy, dated New-York, the 24th of Nov. 1812.

SIR—I here avail myself of the first opportunity of informing you of the occurrences of our cruise, which terminated in the capture of the Wasp on the 18th of October by the Poictiers of seventy four guns, while a wreck from damages received in an engagement with the British sloop of war Frolic, of twenty-two guns; sixteen of them thirty-two pound carronades, and four twelve pounders on the main deck, and two twelve pounders, carronades, on the top-gallant fore-castle, making her superior in

force to us by four twelve pounders. The Frolic had struck to us and was taken possession of about two hours before our surrendering to the Poictiers.

We had left the Delaware on the thirteenth. The sixteenth had a heavy gale, in which we lost our jibboon and two men. Half past 11, on the night of the 17th, in the lattitude of 37 deg. N. and longitude 65 deg. W. we saw several sail, two of them appearing very large; we stood from them for some time, then shortened sail and steered the remainder of the night the course we had perceived them on. At day-light on Sunday the 18th, we saw them ahead—gave chase and soon discovered them to be a convoy of six sail under the protection of a sloop of war, four of them large ships mounting from 16 to 18 guns. At 32 minutes past 11 A. M. we engaged the sloop of war, having first received her fire at the distance of fifty or sixty yards, which space we gradually lessened until we laid her on board, after a well supported fire of forty-three minutes; and although so near while loading the last broadside that our rammers were shoved against the side of the enemy, our men shewed the same alacrity which they had done during the whole of the action. They immediately surrendered upon our gaining their forecastle, so that no loss was sustained on either side after boarding,

Our main-topmast was shot away between four and five minutes from the commencement of the firing and falling together with the main-topsail yard across the larboard fore and fore-topsail braces, rendered our head yards unmanageable the remainder of the action. At eight minutes the gaft and mizen-top-gallant-masts came down, and at twenty minutes from the beginning of the action every brace and most of the rigging was shot away. A few minutes after separating from the Frolic both her masts fell upon deck, the main mast going close by the deck and the foremast twelve or fifteen feet above it.

The courage and exertions of the officers and crew fully answered my expectations and wishes. Lieutenant Biddle's active conduct contributed much to our success, by the exact attention paid to every department during the engagement, and the animating example he afforded the crew by his intrepidity. Lieutenants Rodgers, Booth, and Mr. Rapp, shewed by the incessant fire from their divisions that they were not to be surpassed in resolution or skill. Mr. Knight and every other officer, acted with a courage and promptitude highly honorable, and I trust have given assurance that they may be relied on whenever their services may be required.

I could not ascertain the exact loss of the enemy, as many of the dead lay buried under the masts and spars that had fallen upon deck, which two hours exertion had not sufficiently removed. Mr. Biddle, who had charge of the Frolic, states that from what he saw and from information from the officers, the number of killed must have been about thirty, and that of the wounded about forty or fifty—of the killed is her first lieutenant and sailing-master, of the wounded, captain Whinyates and the second lieutenant.

We had five killed and five wounded, as per list; the wounded are recovering. Lieutenant Claxton, who was confined by sickness, left his bed a little previous to the engagement, and though too weak to be at his division, remained upon deck and shewed by his composed manner of noting its incidents, that we had lost by his illness the services of a brave officer. I am respectfully, yours,

JAS. JONES.

The hon. PAUL HAMILTON, *Secretary of the Navy.*

The following interesting extracts of letters from an officer under commodore Chauncey, we think, cannot fail to excite emotions of pleasure in the bosom of every patriotic American. They give a minute and accurate account of the action before Kingston, on lake Ontario, on the 9th ult.

SACKETTS-HARBOR, Nov. 15, 1812.

On Monday, about 1 o'clock, we discovered the Royal George, and signal was immediately made for a general chase, but alternate squalls and calms continuing, we were led in hot pursuit into the very harbor of the enemy at Kingston. We followed boldly even to the spot where she anchored under protection of the land batteries, being determined to board him; but we were prevented by tremendous showers of shot and grape, which ploughed the water every where around us. However seeing our intention, and alarmed at our boldness, the Royal George thought it prudent to slip or cut her cables and run further in. We beat out against a strong head wind under the fire of about 40 guns from the batteries and artillery, besides 26 of the ship George, and wonderful to relate! we had only *one* man killed and *two* wounded. I have not the smallest doubt had the wind been such as to have enabled our gallant little squadron to have come out of the bay with a leading breeze, but that we should have brought the Royal George with us. We were engaged one hour and fifty minutes, most of the time pretty closely. The day was mild—the scenery about us very beautiful, and the *tout en semble* of the view in the heat of the action was as grand as any thing I ever witnessed. I took notes during the action, which I beg leave to subjoin. In going in, our commander, much to his honor, directed the squadron to level their fire as much as possible against the ship and forts, as it was not his wish to injure individuals by beating down the houses of Kingston.

50 minutes after 2, set top gallant sails—5 minutes after 3, the batteries on India and Navy points opened their fire on the leading vessels, lieut. Elliot of the *Conquest*, pushed forward and went in the handsomest style: he was followed by the *Julia*, Frant—*Pert*, Arundle—*Growler*, Mix—next came the brig bearing the commodore's broad pendant—then the *Hamilton*, lieut. M'Pherson, and *Governor Tompkins*, lieut. Brown, who was far astern having been dispatched in the early part of the day on particular business.—12 minutes after 3, lieut. Elliot opened his fire—15 minutes after 3, Pert, Growler, and Julia commenced their's—20 minutes after 3, batteries opened on the brig, and she sustained the principal part of the fire during the remainder of the action—22 minutes after 3, signal, "*engage closer*," thrown out, and *answered* by all—25 minutes after 3, Pert's gun burst—Arundle wounded badly—(he was afterwards knocked over by the boom, and drowned!)—30 minutes after 3, Garnet killed aboard the brig—40 minutes after 3, brig opened her fire on the ship, and the ship on the Hamilton—fire continued with most astonishing alacrity.

At 4 o'clock, ship George cut her cables and run away, further up the bay. The squadron is now exposed to the cross fire of five batteries, of flying artillery, of the ship with springs on her cables so as to enable her to bring her guns to bear. The Governor Tompkins now bears up in the bay and opens her fire! And the firing becomes general and very warm! Showers of round and grape fell around us.

Half past 4, hauled by the wind, and began to beat out of the bay as night was closing in, and the prospect, blowing weather—anchored two miles out in full sight—heavy gales all night—continued in sight next day—the Royal George was too prudent to venture out.

Just as we were going into action, lieut. W——, taking a little packet out of his pocket, said to me—"my good fellow here is a segar for you—I heard you wish for one to day, if I should be popped off, when you puff one of them think of me!" The gift was a trifle, but the *time*, the *manner*, and the *circumstances*, which accompanied it, and the great *alterations* which a minute might produce, were all such as to excite sensations which before I have never felt. I have a thousand similar anecdotes to tell you when we meet again. Throughout the action this officer was as cool, brave and gallant as Nelson. Our sailors had no grog—they want no stimulus of that kind, they seem to have no fear of death. I was by the side of Garnet, a few moments before he fell. He was laughing heartily, and in that act was cut in two by a nine pound shot. I afterwards saw his countenance, it seemed as if the smile had not yet left it. This disaster only exasperated our seamen, they prayed and entreated to be laid close aboard the Royal George only 5 minutes, "just to revenge Garnet's death." When I look back upon the scene, I cannot but acknowledge that a kind Providence has kept us under his special care and protection.

November 16, 1812.—A cartel has arrived this day from Kingston with dispatches from colonel Vincent, commandant at Kingston, requesting permission to exchange captain Brock.

The men on board the cartel state, that 7 or 8 houses were nearly demolished at Kingston——that our shot passed through and through the Royal Géorge and killed some sick men in their hammocks. The inhabitants of Kingston blame col. Vincent very much for opening the fire of the batteries to protect the ship, which, in fact, they secretly but sincerely wish might fall into our hands or be *destroyed*! The Royal George was so afraid of being boarded by us, that she gave repeated signals for fresh supply of men, and received 2 boats full during the action—her tops were crowded with men.

We are, I am sorry to say it, surrounded here by spies—traitors—and (I fear) *assasains!* But more of this hereafter.—We shall soon be frozen up—and then I shall have a plenty of time to write you a detail of every event interesting to you and my other good friends in New York.

A Common Case.

CUSTOM-HOUSE, BALTIMORE,
Collector's Office, November 26th, 1812.

MESSRS. EDITORS—I send to you for publication, the letter of an American seaman, a native of Dorchester county in this state, impressed and detained on board a British ship of war. Repeated applications in a very pitiable stlye have been received from him for relief by the authorities of the country.—His applications have been answered by repeated transmissions of certificates of his citizenship through the department of state and public agents abroad. The most ample testimonials of citizenship received from his relatives in the country, have been exhibited by the declaration of a particular knowledge of him at this office. Nothing more can be done. His friends and the despairing sufferer have only further to learn that his country having failed in every peaceable mode to obtain the release of her citizens, is now fighting for them; and to her strength and resolution, under the disposal of just heaven, must the cause of those oppressed men be committed.

Compelled to receive the complaints, but unable to render a service to the numerous applicants, who now become more importunate as their opportunities and hopes lessen, I take this method to relieve, in some measure, the feelings arising from such a situation, JAS. H. M'CULLOCH, *Collector.*

DEAR FRIEND—I am sorry to inform you that I am still detained in the British service although I surrendered myself a prisoner of war when I first heard of the war and was sent to prison. But I was sent again on board the *Decouverte*, the vessel I was formerly in, and am still doing duty. On account of my sending my protection to Mr. William Henry Savage, the American consul at Kingston, Jamaica, and by his neglect it is totally lost. Since I returned to the Decouverte, I received word from Mr. Savage that he knew nothing of me or my protection but that he would do his endeavors for me. He further said that if I would write to my friends he would take my letter to America as he was going home to settle his affairs. But I have never heard from him since. I really think that two years ago when I had my protection, it was on his account I was not discharged.

Direct to me on board the Decouverte, Port Royal, or to Admiral Stirling, Kingston, Jamaica.

Your well wisher, &c.
ELIJAH STERLING.

Mr. Robert Lowrie, Baltimore.

BERMUDA, Oct. 28.

On Sunday the 18th instant, the Poictiers felt in with American sloop of war Wasp, having possession of his majesty's brig Frolic, which she had captured about two hours before, after an obstinate resistance on the part of the Frolic, and a hard-fought engagement of forty-five minutes; both vessels were taken by the Poictiers, and ordered to this Island.

It appears from the most correct statements we have been able to obtain, that the Frolic when fallen in with by the Wasp, was in a most disabled state. Having suffered severely in a gale of wind, and having her main-yard on deck for the purpose of fishing it, her main-topmast sprung, and being *unacquainted* with the existence of the American war, she was *totally unprepared* for the contest.—Yet, notwithstanding these untoward circumstances, the vessel was fought till her masts and bowsprit were gone, her first lieutenant and master killed, the captain and second lieutenant wounded and sixty-five of her crew killed or wounded—when she was boarded by the Wasp and her colours struck by the crew of that vessel.

The gallant manner in which the Frolic was defended when attacked by a vessel in every way her equal, and rendered doubly her superior by good condition, reflects the highest credit on the captain, officers, and crew of the Frolic, who thereby enabled her convoy to effect its escape, and perhaps accomplished the ultimate capture of both vessels by the Poictiers.

[It would be some satisfaction to know whence the *Frolic* came, that she had not learned of the war—perhaps, she was just on a voyage from the *moon*, with the vessels under her convoy!—Pshaw!—this is mean. Besides she was "unprepared" for the battle, though she commenced the engagement!—worse and worse!—The resistance was "obstinate" enough—but the *Wasp* could have taken two such vessels, with ease. See the *effect* of their several fires. The British have always *complained* that the *French* would not come to close quarters—*Hull* and *Jones* have given them a couple of hints that the *Americans* will approach quite as near as they wish it.]

Military Supplies.

From the second number of a series of essays publishing in the Aurora, entitled, "Views of the Military circumstances of the United States," *we have extracted the following remarks, subjoined to a statement*

of the issue of clothing, &c. to the additional army, from the first of January 1812, to the 30th of September following:

"It may escape the observation of general readers, and we therefore offer a few notes upon these items; it will be perceived that the number of coats, vests, and over-alls, are within five thousand of the whole military force voted by congress, though it is certain that the number of suits thus issued, is much greater than the actual number enlisted.

"There are four shirts a man issued for 25,000 men, and four pair of shoes for the same number.

"And blankets sufficient to supply every man under arms, with two blankets each.

"The muskets issued are for 100,000 men.

"And the tents issued are amply sufficient to cover at only five men to an infantry, and six for a cavalry tent, (the usual number is seven and ten) 50,000 infantry, and 10,000 cavalry, or altogether 60,000 men.

"The ammunition may be placed in a similar point of comparison, and will be found adequate to 12 weeks daily action for the whole of the force organized, according to the ordinary expenditure in warfare, as it must be conducted."

"The bane and antidote."

A letter from an officer of the late United States sloop of war, *Wasp*, says that the boatswain of that ship and some of the crew, have been detained at Bermuda on *suspicion* of being British subjects—with a view to try them for treason. This is the third case in which some of our sailors have been detained on this plea—the two former were promptly met by putting into close confinement twice the number so held by the enemy, as hostages for the safety of our people—and, we trust, the like procedure will prevail in this instance—as well as that punishment may be inflicted *pari passu*, in all cases, and at every hazard. General *Washington*, was reluctantly compelled to adopt this line of conduct during the revolution, and it had the most happy effect in restraining the barbarities of the enemy. It is hard that the innocent should suffer for the guilty—but the whole business of war is made up from private outrages and individual sufferings, and the retaliatory principle is *as just* as any other connected with this deplorable state of things. If the war shall assume the horrid character that the haughty Britons seem disposed to give it—be the sin on their own heads, as the original aggressors. But we are inclined to believe that the frothy "masters of the deep," driven to madness in the mortification of their pride by the exploits of our seamen, will find many good and substantial reasons to hold their hand in this matter. They are contending with a new people—an enemy that has demonstrated the British inferiority in every respect, in naval tactics, —in courage, conduct and effect. Our little maritime force fearlessly ventures on the ocean—fully believing they can *out-manœuvre* the greater power of the enemy, and assuredly *defeat* him with any thing like an equality of strength. We pray that congress, in every practicable or possible form, may cherish and support "the tars of Columbia," as the men most willing and most capable of serving their country, in coercing *honest peace*.

"The Green mountain boys."

The late sitting of the general assembly of Vermont has been peculiarly marked by deeds of patriotism. Firmly attached to liberty, and mindful of the glory her hardy sons acquired in the war to obtain it, she has left nothing undone to give energy to the contest to preserve it. She has passed an act to provide for raising two brigades of United States volunteers and most liberally appropriated funds for their encouragement.—She has taken generous measures to render her drafted militia adequate to all the purposes expected of them, and advanced their pay from her own treasury. She has provided that the property and persons of the soldiery, volunteers or militia, shall be exempt from civil process from the time of entering the service, until thirty days after their discharge.—She has passed a law by which any volunteer "who now is, or hereafter may be confined in any common goal," &c. on execution founded on civil contract the amount of which does not exceed $ 60, may be released by "an order to march;" but after his discharge from actual service or on his refusal to perform duty, he may be taken and committed as theretofore—and, knowing the necessity of the measure, she has passed a *non-intercourse law* with Canada, making it penal to pass through or from that state, to the enemy's country on any pretence whatever, without a permit from the governor or some other person authorised to give it—She has also provided in the most summary way to prevent supplies for the British. *The mantle of those who fought with* Stark *at* Bennington, *has covered these brave spirits of the north.*

The State of Europe.

Our accounts from Russia are horrible. The 18th bulletin of the French army, dated September 12, at Mojaisk, about 25 leagues from Moscow, records one of the most destructive battles of modern times, fought on the 7th of the month, near that place.—The forces, on each side, were about 120,000 men. Bonaparte was in readiness for the engagement at 2 o'clock in the morning—at half past five the sun rose without clouds; it had rained the preceding evening—and he cried out——"*this is the sun of Austerlitz!*"—a concise and animating order was issued, and the French army answered it with repeated acclamations. The firing commenced a short time after, and the action became general at 7 o'clock. "A thousand pieces of cannon," of the adverse armies, spread death on every side. At 8 o'clock the Russian redoubts were carried—they attempted to regain them —a terrible carnage ensued, and at 2 o'clock the victory, on the paat of the French, was complete. From 12 to 13,000 Russians, and from 8 to 9000 horses, were counted on the field of battle—and their total loss, in killed, wounded and prisoners, is estimated at between 40 and 50,000 men. Forty Russian generals were killed, and the French lost five or six,—Murat, the king of Naples, at the head of the cavalry, charged the Russians with his usual impetuosity, and, perhaps, more than any other, contributed to the common mass of destruction. The French fired 60,000 cannon shot during the battle—the Russians lost 60 pieces of artillery. A letter from Paris, received in London, dated the 27th of Sept, says, telegraphic dispatches have been received announcing the entry of the French into *Moscow;* adding, "we shall soon have peace with Russia."—which has, before this time, been dictated by *Bonaparte*, as ought to have been calculated upon by the *dealers* at *St. Petersburg* before they, influenced by the *British*, prevailed upon *Alexander* to embark in the war. On the receipt of this bulletin in London, the stocks fell. *Consols* were down to 57 1-2.

The continent of Europe will soon be at peace.—By their infernal incantations, the princes of that country have raised up a *master spirit* that controls

their destinies, and increases his power by resistance. But for *England*, France might have been a republic—but for *England*, *Bonaparte*, the emperor, might have been a mere captain of artillery, unknown beyond his own regiment—but for *England*, Holland, Switzerland, Sardinia, Naples, Spain, Portugal, Austria, Prussia, Russia and many other minor sovereignties might have remained—all the continent is now merged into the empire or under the vassalage of *France*—or humbled at the feet of her proud monarch praying for mercy, or resisting him only to fill up the cup of affliction and misery—for like the tornado he will sweep his enemies from the *Peninsula*, having ended the war in the North.

The British papers have been frequently filled with the praises of *Bernadotte*, crown prince of *Sweden*, and the hopes of poor *John Bull* were amply fed with the great feats he was to do by attacking *Bonaparte* in his rear, &c. *Bernadotte*, a prudent man, careful of the people whose king he is about to be, has earnestly labored to secure to them the advantages of peace, of peculiar importance to *Sweden* in the present troubled state of the world. *Bonaparte* was willing that he should derive every possible gain from it, and being secure in his affection, admitted his neutrality. But as *England*, flattered by the success of her intrigues in *Russia*, would have quarrelled with poor *Sweden*, her crown prince was compelled, to cheat her into a belief that he was about to overturn the whole power of *Bonaparte* by a handful of troops! The gudgeon greedily swallowed the bait, and *Sweden* was the "great and good ally" of *England*. *Bernadotte* knew too well the power and resources of *Bonaparte* to venture on a squabble with him; and we never, for one moment, believed he so designed to do. We are much mistaken if it does not soon appear, that the courts of *Paris* and *Stockholm* have perfectly *understood* one another. A treaty between *Great Britain* and *Sweden* has lately appeared, in which, merely to preserve peace with the latter, the former undertakes to make a common enemy of the enemies of the latter.

The war in *Spain* continues as usual. The *French* have concentrated their forces and are again acting in the offensive. Lord *Wellington* carried Burgos, by storm—but the citadel remained in possession of the French. If the emperor has made peace with Russia, the war in Spain and Portugal will soon terminate by another flight to the sea-board. But, except so far as they may humble *England* and reduce her to a sense of justice, we feel no relish for the progress of the French arms, either in *Russia* or in the *Peninsula*.

All Europe, the British islands excepted, whose local situation and maritime strength has preserved them from his grasp, now are, or soon will be, at the feet of *Bonaparte!*—Terrible have been the events that led to this unparalleled subjugation, and more horrible will be the *future* struggles for power in that unfortunate country. In prospective we behold an ocean of blood extending from the Dardanelles to the Atlantic, and from the White Sea to the pillars of Hercules—the empire of this modern *Alexander* will terminate with his life—the manners, habits, language, soil and climate of the various nations, now subject to him, present natural impossibilities to union, and his rival chieftains will contend with each other for the domination of particular parts. On what a slender thread hangs human things! How great the importance of the life of one man!——Blessed are we above all people, so far removed from Europe as to be able to resist her conflicting powers, and preserve an asylum for freedom!

Proceedings of Congress.

IN SENATE.

Friday, Nov. 27.—The senate resumed the consideration of the bill from the house concerning the pay of the army, &c. and amendments reported by the committee thereto.

On motion to strike out the 3d section which authorises the enlistment of all young men *over eighteen years of age*, there were—

For striking it out—Messrs. Anderson, Bradley, Campbell, of Ohio, Campbell, of Ten. Condit, Cutts, Franklin, Gaillard, German, Gilman, Goodrich, Gregg, Horsey, Howell, Hunter, Lambert, Leib, Lloyd, Magruder, Pope, Reed, Smith, of Md. Smith, of N. Y. Taylor, Turner, and Worthington—26.

Against striking it out—Messrs. Crawford, Robinson, Tait, and Varnum—4.

The further consideration of the bill was, after debate, postponed to Monday.

The senate proceeded to ascertain the classes in which the two senators from Louisiana should be arranged, when, having drawn lots, it appeared that Mr. Magruder's term of service will expire on the 3d day of March next, and Mr. Posey's four years after the 3d day of March next.

There was no sitting on Thursday.

HOUSE OF REPRESENTATIVES.

Friday, November 27.—Mr. *Bassett*, from the naval committee, made a long report, concluding with a bill to increase the navy of the U. States. [The bill is in blank, but it is understood that the immediate building of four ships of 74 guns, four large frigates and four vessels of 16 guns is contemplated. It is our decided opinion that the bill will prevail by a large majority, in both houses—the republicans seeing the necessity of a naval force to bring into action the physical strength of the country, and the federalists being pledged by their conduct, for years, in support of it.

Mr. *Bassett* also reported a bill making provision for certain navy pensions.

Monday, Nov. 30.—Nothing of interest was transacted this day in either house.

[*Licences.* A bill has been introduced into the house of representatives to prohibit the use of "any license or pass, or paper or instrument" of any kind, issued on the authority of any foreign government, or any person acting under its authority—under the penalty of making the vessel and cargo liable to forfeiture, as prize, to the person detecting the same, and imposing penalties as for a "high misdemeanor" or those concerned in the same. The bill will doubtless pass—and *may* break up the present *disgraceful* traffic to Spain and Portugal, carried on under the "*gracious protection*" of the enemy.]

Tuesday, Dec. 1.—The house occupied some time on the bill supplementary to the naturalization laws, without coming to any conclusion.

Mr. *Newton* submitted a resolution having for its object to instruct the committee of commerce and manufactures to enquire whether any, and if any, what restrictions on the exportations of provisions and of all articles necessary for naval equipment, in vessels of foreign nations at amity with the United States may be at this time expedient; and that the committee have leave to report by bill or otherwise.

[A desultory debate ensued—after various modifications of the resolution, the house finally refused to consider the matter, 57 to 56.—So that we shall *magnanimously* continue to feed our enemies as heretofore.]

Wednesday, Dec. 2.—Mr. *Williams* reported a bill supplementary to the act making provision for arm-

ing the whole body of the militia of the United States; which was twice read and committed.

The report of the committee of ways and means, on the subject of the bonds given by sundry merchants, on account of the recent importations of British goods, was called up, and many documents read. Mr. *Cheves*, the chairman of the committee stated that he had disagreed with the majority of it and demanded an exhibition of the reasons on which they had acted. Mr. *Johnson* rose to reply, but, owing to the lateness of the hour, urged a postponement of the subject, which was agreed to.

EXPORT OF PROVISIONS.—Mr. *Harper* said the house had yesterday refused to consider a resolution, offered by a gentleman from Virginia (Mr. Newton) on the subject of inquiring into the propriety of restricting the exportation of bread stuffs, &c. when the house was thinner than at present, some members having been absent. With a view to try the question in a full house, he moved that the house do *now* proceed to a consideration of the resolution:

The question was decided by yeas and nays, as follows:

YEAS—Messrs. Anderson, Bacon, Bard, Barnett, Bibb, Brown, Butler, Carr, Clay, Cochran, Condit, Crawford, Davis, Desha, Dinsmoor, Earle, Findley, Fisk, Franklin, Green, B. Hall, O. Hall, Harper, Hyneman, Johnson, King, Lacock, Little, Lyle, Macon, Maxwell, Moore, M'Coy, M'Kee, M'Kim, Metcalf, Mitchill, Morgan, Morrow, Newton, Ormsby, Pickens, Pond, Potter, Rhea, Roane, Sage, Seaver, Seybert, Shaw, Smilie, G. Smith, Troup, Turner, Whitehill, Widgery, and Winn—58.

NAYS—Messrs. Archer, Baker, Bassett, Bigelow, Bleecker, Boyd, Breckenridge, Brigham, Calhoun, Champion, Cheves, Chittenden, Cooke, Davenport, Dawson, Ely, Emott, Fitch, Gholson, Gold, Goldsborough, Goodwyn, Grundy, Hawes, Hufty, Jackson, Kent, Lewis, Lowndes, M'Bryde, Milnor, Moseley, Nelson, Newbold, Pearson, Pitkin, Pleasants, Quincy, Richardson, Ridgely, Ringgold, Roberts, Rodman, Sammons, Sheffey, J. Smith, Stanford, Stuart, Stow, Sturges, Taggart, Taliaferro, Tallmadge, Tracy, Van Cortlandt, Wheaton, White, and Wilson—58.

The votes being equally divided—

Mr. *Speaker* said he believed he should vote against the proposition at any time, and it was rather too late in the day to take it up now.

He therefore voted in the negative.

And the house adjourned.

Timely remarks and due notice.

As some gentlemen may believe that my zeal to give value to the REGISTER has declined with the success of the work, it is due, as well to my own feelings as to my *punctual* subscribers to say, honestly and sincerely, that my *present* means are inadequate to the gratuitous distribution of SUPPLEMENTS, as issued about this time the last year. This is the truth, and I feel no shame to confess it. The expences of the two first volumes, incident to the *establishment* of the REGISTER far exceeded my calculations; and the receipts were much short of my hopes.

My pride, as well as my interest, is deeply concerned in the REGISTER, and a great debt of gratitude is due to the *real* friends of the work. This debt shall be honestly discharged——for, after this volume is finished, and the *claim* of the subscribers is satisfied, a rich APPENDIX shall issue, to contain as much matter as, in common book form, would sell for half the cost of the volume itself. Until then, we shall endeavor to keep pace with events by postponing such things as are not of immediate importance.

But those who have not paid for the first year shall not receive the second on the *same terms*—and "*notice is hereby given*" *that the* REGISTER *will be discontinued to all such*, the 2nd volume being concluded, THOSE ASCERTAINED TO BE IN THE SERVICE OF THEIR COUNTRY EXCEPTED. The APPENDIX is designed as a compliment to those that enable me to publish it, and will not be transmitted to any person in arrears, as aforesaid.

Many agents have remitted money without designating the persons to whose credit it should be applied, under the expectation of a speedy settlement of the business for the year. They are earnestly requested to make immediate return of the names of all who have paid, to prevent mistakes. Such as cannot attend to the little business I press upon them are politely requested to notify the fact, that measures may be resorted to promote punctuality in future. This is the last time, I trust, that the *disagreeable subject* shall be mentioned in the REGISTER.

THE EDITOR.

Captain Morris.

It has ever been the policy and custom of all governments to reward the brilliant achievements of their officers, not merely as a compensation for the services rendered, but as an inducement to deeds of noble doing. Titles, ranks and badges of honorable distinction are held out to the emulative soldier as excitements to valorous enterprize. Triumphs were decreed, temples dedicated, and mausoleums erected in honor of the victorious leaders of the armies and navies of Greece and Rome. In more modern times all the kingdoms of Europe have been bounteous to their distinguished warriors.

Prince Eugene for his martial genius was made a major-general in the Austrian army when but twenty years of age, lieutenant-general at twenty-five, field-marshal of the empire at thirty, and finally dignified with the exalted title of prince. The immortal Wolfe, whose superior endowments commanded the attention of a Chatham, was at an early age honored with the command of the armies in North America. Bonaparte, while a stripling, led the squadrons of France over the Alps. Nelson was created admiral while hundreds of officers were above him in rank.

It is by such liberal confidence and distinguishing honors that nations have commanded the ablest champions. Had the dull rotine of regular promotion been rigidly adhered to, the Turkish crescent would have shed its baneful influence over the empire of Austria, and the lillies of France been planted on the ramparts of Vienna; the heights of Abraham would have remained unregistered on the tablets of fame; the provinces of France would have become colonies to the combined kingdoms which threatened their subjugation; the thunders of Britain would not have reverberated from the shores of Egypt, or

"Round the rough rocks of trembling Trafalgar."

In this country the merited promotion of lieutenant Morris certainly cannot excite any feelings other than those which the doing of a good action never fails to inspire.

Captain Morris has ever been distinguished in the navy for his unremitted application in the acquirements of nautical information, for activity, intelligence and zeal in the faithful discharge of his duty. Had his recent promotion been in consequence of his cool and determined bravery in the action with the Guerriere only, there might have been some cause for animadversions, but his gallant conduct

while under commodore Preble, in the Tripolitan war, gained him the confidence of his commander, the admiration of his companions in arms and the applauses of his countrymen. He was the first man who gained the deck of the frigate Philadelphia on that ever memorable night, when under the batteries of the enemy, she was wrapt in flames by the Spartan band, under lieutenant Decatur, for which brilliant exploit the president most justly gave the latter a captain's commission.

When the Constitution made her glorious escape from the British squadron off the capes of the Chesapeake, to lieut. Morris did the magnanimous Hull give much of the credit acquired in that masterly retreat.

Those who personally know the sterling worth and intrinsic merit of captain Morris, cannot but rejoice that his manly virtues and naval talents have now a more ample field of exertion in his country's cause.

That many gallant souls as ever walked a deck, feel themselves aggrieved, may be most true; not that Morris is advanced, but because fortune has not placed them where laurels can be plucked from the reeking front of battle. *Bost. Pat.*

Miscellaneous Articles.

Tax on advertisements.—It was supposed from the union between Great Britain and Ireland, that each country equally contributed in all things to the support of government. The following proceedings in the imperial parliament may elucidate the fact:

"Mr. *Shaw*, of Dublin, brought up a petition from the proprietors of newspapers in Dublin, praying a repeal of the duty on advertisements laid on last year —He stated, that the duty which had only produced in the last six months £4,900 was oppressive and unproductive. The grievance lay in the increase of the duty on each advertisement, in proportion to its number of lines; the single advertisement of the Portuguese subscription had paid duty £2 14*s*, in an Irish paper, while in an English it would have paid only three shillings.

Mr. *Parnell* considered the duty as violating the 7th article of the Union.

Sir *J. Newport* and Mr. *P. Moore* wished that the petition should be referred to a committee. This was opposed by the chancellor of the exchequer at some length, and by Mr. *Foster*. The question was put, when there appeared 17 for, and 29 against the committee.

Galvanic battery.—The Journal de Physique of Genoa, states that if a very strong galvanic battery act on a mass of charcoal, a substance is produced like diamond. Perhaps the strongest case on record of the prophetic sagacity of science, was the suggestion of sir Isaac Newton, that the diamond would turn out to be a combustible substance.

ELEGANT MORCEAU.

To the editor of the Courier.—About thirteen ago, or more, travelling through the middle parts of Germany, I saw a little print of the Virgin and Child, in the small public house of a catholic village, with the following beautiful Latin lines under it, which I transcribed. They may be easily adapted to the air of the famous Sicilian hymn, "*Adeste fideles, lati triumphantes,*" by the omission of a few notes. I send you the words with an English imitation.

THE VIRGIN'S CRADLE HYMN.

Dormi, Jesu! Mater ridet,
Quæ tam dulcem somnum videt,
Dormi, Jesu! blandule!
Si non dormis, Mater plorat,
Inter fila cantans orat,
Blande, veni, somnule!

ENGLISH.

Sleep, sweet babe, my cares beguiling,
Mother sits beside thee smiling;
Sleep, my darling, tenderly!
If thou sleep not, mother mourneth,
Singing as her wheel she turneth,
Come, soft slumber, balmily!

POISONOUS HONEY.

The following note is just received, and its interest and importance render it proper, in my judgment, to publish it as it stands. [*N. Y. E. Post.*

NEW-YORK, Nov. 14, 1812.

DEAR SIR—Yesterday morning having been called upon to visit two persons that had been poisoned by eating honey, just bought in the Fly-market; it appears to me proper that some public intimation should be given by you to our citizens, that they may be on their guard in purchasing this article.

It is not unusual for WILD honey to be poisonous, in consequence of the bees feeding upon the flowers of poisonous plants, such as the different species of kalmias or dwarf laurels, with which our woods abound—but it is not usual that DOMESTIC honey, produced in the neighborhood of thickly settled places, should have this effect—such, however, was the fact in the present case. Poisonous honey is, generally, of a dark *reddish*, approaching to a crimson color, and of a *thicker consistence* than that usually sold in the market; by which circumstance it is commonly discovered by hunters, and avoided accordingly.—Whereas pure or innocent honey is of a light color and viscid, excepting when by age it acquires a dark brown.

I found the patients laboring under a great disturbance of the brain and nervous system—violent vomiting—cold extremities—a livid appearance of the countenance and pulse reduced to about 20 in a minute, but by the vomiting thus spontaneously produced, followed by a dose of castor oil—spirituous fomentations applied to the stomach, bowels and extremities—and by a dilution of warm spiritous drinks, the patients referred to, were relieved from the alarming symptoms which had been produced.

Your's, &c. D. HOSACK.

Wm. Coleman, esq.

INDIAN RETALIATION.

SAVANNAH, October 20.

A letter has been received by a gentleman in this city from his friend in the Creek nation, giving assurances that eight Creek Indians have been executed, and seven cropped and whipped, under the sentence of the chiefs of that nation, for the murders and thefts committed on the frontiers of Tennessee. To this is added, that there is as much safety in travelling among them at this time, (the Seminola tribes excepted) as there is through Georgia. The promptness with which the chiefs have complied with the wishes of colonel Hawkins on this occasion, gives new evidence of his indefatigable zeal and usefulness, as well as the pleasing hope that he will succeed in keeping them at peace with the United States.*

The heated imaginations of many silly writers, have been employed in vain efforts, without taking truth for their guide, to stain the character of col. Hawkins. It is not necessary, nor would it be correct for him to silence these scribblers by giving

* The Creek Indians' demands for ammunition this year, have been unusually small: The reasons assigned are, that the game is all destroyed, and that they do not depend upon it for safety.

publicity to his motives for all his actions. It is enough that he has passed sixteen years in the constant employment of his country, without any other desire relative to his political life, than that of standing well with himself. The birth he holds he was asked to receive: It cannot be desirable to a man of his mental qualifications; and was it not for the great purposes of civilization which he has in view, there is no doubt but he would long since have retired from it. It is ardently hoped that the general government will justly appreciate his usefulness, and that he will be encouraged to persevere in the laudable plans which he has commenced until the experiment is fairly tested.

American Prizes.

WEEKLY LIST—CONTINUED FROM PAGE 207.

267. Brig Union, from Guernsey for Grenada, in ballast, sent into Old Town by the General Armstrong privateer of New-York. The Union carries 6 guns.

268. Schooner Neptune, with a cargo of fish, salt and oil, taken by the Revenge of Salem, and sent into Cape Ann.

THE CHRONICLE.

The prince regent, by proclamation, dissolved parliament, on the 29th of September, and ordered writs to be issued, returnable November 24, calling a new parliament.

Price of wheat—London, October 6, 132*s.* 4 1-2*d.* per quarter—equal to about $2 75 cents *per bushel.*

There cannot now be any doubt of the re-election of Mr. Madison, by a large majority. The whole number of votes to be given is 218—of which Mr. Clinton will have 89.

Among a number of excellent toasts drank at New York, in commemoration of the evacuation of that city by the British, we notice the following—

By General Armstrong.

Captain Jones, his Officers and Crew—Their conduct proves that it requires British seventy-fours to conquer American sloops of war.

By Major Boerum.

More Prudence and better Judgment to British Naval Characters—The late achievement of capt. Jones, on the bosom of the Atlantic, shews, that it is dangerous meddling with the stings of the *Wasp*, even in a *Frolic.*

Maryland electors of President.—Edward Johnson, John Stephen, Tobias E. Stansbury, Thomas W. Veazy, Thomas Worrel, Edward Lloyd, Henry Williams, Daniel Rentch, Edward H. Calvert, Henry H. Chapman and Littleton Dennis. The six first are Madisonian republican—the two following are Clintonian republicans, the three last are federalists.

Virginia electors of President.—Joseph Goodwin, of Nansemond; Benjamin Harrison, Prince George; Edward Pegram, Dinwiddie; Richard Field, Brunswick; Thomas Reed, senr. Charlotte; Matthew Cheatham, Chesterfield; Thomas M. Randolph, Albemarle; Charles Yancey, Buckingham; George Penn, Patrick; Wm. G. Poindexter, Louisa; Spencer Roane, Hanover; Sthreshly Rennolds, Essex; Robt. Taylor, Orange; Gustavus B. Horner, Fauquier; Robert Nelson, York; Mann Page, Gloucester; Walter Jones, Northumberland; John T. Brooke, Stafford; Hugh Holmes, Frederick; Daniel Morgan, Jefferson; Archd. Rutherford, Rockingham; Arcd. Stuart, Augusta; Andrew Russell, Washington; Charles Taylor, Montgomery; Wm. M. Kinley, Ohio.

North Carolina has chosen her electors of president and vice-president—130 to 60—all Madisonians. They are—William H. Murfree, Kedar Ballard, James Bright, Thomas D. King, James W. Clarke, Hutchins G. Burton, Thomas Davis, Kemp Plummer, James Mebane, James Rainey, Francis Locke, Montfort Stokes, Jonathan Hampton, Joseph Winston, Henry Massey.

The Brig Rattlesnake.—It was our melancholy duty to state that this brig had been upset by a hurricane between Reedy Island and the Piers about 2 o'clock on the morning of Tuesday, last and that seventeen persons had been drowned. It is with peculiar satisfaction we now correct this statement and record a most extraordinary interposition of Divine Providience. At early day-light the boatswain went on board the brig to see if he could recover his trunk. While standing on a part of the bow out of the water he heard the cries for help of the people in the forecasle who were unable to get to the scupper as the vessel lay on her starboard side. The boatswain hailed the revenue cutter who sent her boat with people and an axe to assist in getting the unfortunate people out. They instantly went to work, and in seamen's phrase scuttled her, that is, cut a hole for the seamen to get out. They were all, eighteen in number, and a small boy taken out alive. The men had been four hours up to the chin in water, some being obliged to hold back their heads to keep the water from running into their mouths. They were almost exhausted for want of air when the hole was cut.

Not the least interesting circumstance in this truly interesting affair is, that the seamen faint and expiring as they were, had borne up the head of the little boy above the water, determined that, so long as they lived, he should not perish. *Phil. pap.*

A resolution has passed both branches of the legislature of Tennessee, recommending, and embracing an amendment to the constitution of the United States, to alter the time of service for senators from six to four years.

A bill has passed the legislature of Maryland, annulling the marriage of *Jerome Bonaparte*, King of Westphalia, and Elizabeth Bonaparte, of the city of Baltimore.

ON HAND—*the correspondence of Mr. Erving, our late special minister in Denmark, with the secretary of state—also, the Message of the President to Congress covering the correspondence between the secretary at war and the governors of Massachusetts and Connecticut, relative to the militia. As the nature of these communications are already before our readers, we postpone their insertion. We have likewise, a message from the President enclosing a letter from Mr. Lear, late consul general at Algiers, giving an account of the rupture with that regency—and the documents accompanying the report of the committee of ways and means, to whom was referred that part of the President's message that refers to the late importations of British goods—We are also collecting and shall soon publish, in regular order, the various* orders in council *and* French decrees *that affected the neutral commerce of the United States: all which shall be disposed of as fast as the current of matter will admit.*

☞ *We are collecting all the facts connected with the election of a President and Vice-President of the United States, for the ensuing four years; which, together with those already published, we intend to preserve a* political history *of the event.—From the plan laid down we think an interesting article may be produced.*

☞ *The particular attention of the agents of the* REGISTER, *as well as of the subscribers, whom it may concern, is respectfully invited to a little article inserted in page 222, of this number.*

THE WEEKLY REGISTER.

No. 15 of vol. III.] BALTIMORE, SATURDAY, December 12, 1812. [whole no. 67

Hæc olim meminisse juvabit.—Virgil.

Printed and published by H. Niles, South-st. next door to the Merchants' Coffee House, at $5 *per annum*

Governor Snyder's Message,

TO THE PENNSYLVANIA LEGISLATURE.

Delivered at Harrisburg, December 3d, 1812.

Fellow-citizens of the Senate and
House of Representatives,

When I had last the honor to address the representatives of the people of Pennsylvania, the nation was yet resting on the lap of peace, but it was anticipated that the accumulating wrongs and manifold injuries inflicted and inflicting on the persons and property of our citizens, would compel congress to declare war—war has been declared. The sword of the nation, which, for thirty years had been rusting in its scabbard, has been drawn to maintain that independence which it had gloriously atchieved. In the war of the revolution our fathers went forth as it were "with a sling and with a stone and smote" their enemy. Since that period our country has been abundantly blessed and its resources greatly multiplied. Millions of her sons have grown to manhood and inheriting the principles of their fathers are determined to preserve the precious heritage, which was purchased by their blood and won by their valor. The legislature of Pennsylvania have for many years, session after session, approved of the measures of the general government, and declared that they and their constituents, would zealously support all its determinations which promised relief from the intolerable and colonial yoke which the government of Great Britain was imposing. These determinations are now to be tested. The day of fruitless negociation and unavailing resolves has passed away, and we are called upon to assume "an armor and an attitude" becoming the day of battle and of trial; a day in which I proudly trust, the people and constituted authorities of Pennsylvania will swiftly run the race of patriotic emulation with their fellow-citizens and the constituted authorities of our sister states.

One of the first consequences of the war was a call from the government of the United States on the government of Pennsylvania, for 4000 militia to go into actual service as a part of her quota for the general defence; they were promptly ordered out, and the orders were obeyed with an alacrity and pleasure, which proves that though the spirit of independence may have slept, yet its vital principle is as vigorous as ever. The organizing, officering, arming and providing, for the two brigades thus called into actual service was effected with as much celerity and completeness as our militia fund and system would permit.

Some of the difficulties which occurred in the discharge of the executive's duties shall be stated, that legislative wisdom may provide remedies. The scattered, and in many instances unknown, places where there are public arms, and the wretched rust-eaten condition in which they are too often found, make it a work of time, labor and expense, to collect them together and have them put in such repair as they ought to be, previous to their being put into the hands of our militia. The want of cartouch boxes, flints and many other indispensable military equipments and stores has been sensibly felt, and would have been still more so had not a large portion of the patriotic militia that rendezvoused at Meadville, not only volunteered their personal services, but furnished their own arms and equipments. Those of the second detachment ordered to rendezvous at Pittsburg, who could not supply themselves, were furnished out of a deposit of 750 muskets and a quantity of cartridge boxes made by my order in anticipation of large deficiencies.

To overcome these difficulties, it was necessary that expenses should be incurred; and the providing for those expenses was in itself a difficulty not a little embarrassing. The 34th section of the militia law expressly pledges the militia fund for the purpose "of equipping and furnishing the militia with arms and every other necessary apparatus for the defence and security of the state," but no mode is provided by which the money is to be drawn out of the treasury, except for the payment of accounts settled. Presuming that where the law imperatively enjoins duties, it provides also for their execution, the obvious deduction was, that if the fund pledged for special purposes could not be drawn out of the treasury to meet those very purposes by any positive provision of the letter of the statute, that it must be done and justified by irresistable presumptive inference from its spirit. It has been so drawn and appropriated to the purposes for which, by law it is pledged. A contrary construction and conduct would have rendered the law a dead letter and defeated the very purpose for which it is enacted. The necessity of providing by law for the appointment of proper officers to make contracts for arms, ammunition, provision and camp equipage for the militia, is as obvious as that money (the very sinew of war) must be advanced for such objects. The present law makes no provision for the appointment of paymasters for detachments ordered out for the defence of the state, nor does it directly provide for paying the troops; nor can money be advanced to brigade inspectors to defray expenses incurred by those officers in marching detachments to a rendezvous under requisition of the general government. It does indeed provide for the appointment of a quarter master general, an officer of importance at all times, but more especially in time of war; to this office however, no salary is yet attached. In some instances, regiments and companies have neglected to choose officers, in such case the law provides no mode whereby classes can be called into service.

The public ordnance, a valuable property remaining in Philadelphia, is exposed to great injury by reason of the dampness of the floor whereon it stands, and it is in danger also from fire, because the building, called an arsenal, is of wood, and is surrounded with workshops and stables constructed of that material.

Permit me to suggest whether it would not be just and reasonable, that those of our militia, that are in indigent circumstances, and who may be called into actual service, should be furnished with blankets and suitable clothing at the public expense, or that some additional pay be made in advance to enable them to furnish themselves; many, very many, may be called to jeopardize their lives, and leave destitute helpless families, who have no stake in the

contest other than their personal liberty, whilst many of the wealthy and affluent are exempt from personal service.

Would it not be advisable, fellow citizens, that means be taken to ascertain all the military property of the state—where it is deposited—in whose care—and in what condition—that it be put and kept in good order, and if the legislature think proper, be deposited in central situations within division, brigade, or regimental bounds. The situation of our country, independent of the defects and difficulties experienced will imperiously impress the legislature with the necessity of a general and careful revision of our whole militia system, and induce the adoption of such measures as will make our one hundred thousand militia respectable and formidable not in round numbers on paper, but in fighting the battles of our country.

Besides the call from the government of the United States, I was officially informed that a general alarm prevailed in the town and vicinity of Erie, in consequence of the appearance of a British and Indian force on the lake opposite to that place. In consequence of this information I issued orders under date of the 15th of July last, that a portion of the 16th division of Pennsylvania militia, should be organized under general Kelso for the protection of the frontier. That country being in want of arms and munitions of war, I sent five brass field pieces, five hundred and four muskets, gun powder, flints and lead, and ordered the purchase of more, and of such other articles as might be essential to the service, directing the quarter-master-general *Wilson Smith*, who has patriotically accepted the office without emolument, to provide for the safe keeping of all military property which might come under his notice. These measures I am happy to add, prevented the British or their savage allies from polluting our soil with hostile feet.

As soon as report has been made by the adjutant-general and quarter-master-general and other requisite materials are obtained, a statement of expenses incurred in defence of the state, and the proceedings had in compliance with the requisitions of the constituted authorities of the United States, together with copies of those requisitions, will by special message be laid before you.

Before I quit the subject of the militia I would suggest to the legislature, whether provision ought not to be made to enable the militia and volunteers of Pennsylvania, who may be on the day of a general election in actual service, to vote in camp for the respective civil officers for whom they would severally be entitled to vote, if they were at home at their usual places of residence. There is a hardship if not an injustice in disfranchising, for a certain time, a citizen for no other reason than that he is in the service of his country. A republican legislature will cheerfully do what justice and patriotism require.

Having submitted the several considerations which have presented themselves to my mind as involving the rights and interests of our constituents, I hope to be permitted to express the satisfaction I shall feel in coinciding in every measure of the legislature of Pennsylvania tending to strengthen and make strong the arm of the general government so that it may fall heavy, even with the heaviness of death, upon the enemies of our country. To do this effectually, to accomplish all the objects of the war, but one thing is needful, that union of opinion, which would concentrate all the energies of the nation and direct them against the enemy. This is the rampart against which our enemies might forever beat in vain. Be it then, my fellow citizens, our endeavor to foster this union of sentiment, to cherish American feelings, even national pride, and our rich reward shall be the consciousness of having promoted the best interests of our country.

If the liberal system of late years pursued shall continue to govern the destenies of Pennsylvania, she will not only mantain her present elevated station as an agricultural state, but she must soon take a prominent rank amongst manufacturing and commercial nations. Her geographical position—her local station relative to the other states—her abundant productions of articles of the first necessity, springing from a fertile soil populated by near a million of inhabitants, as remarkable for industry and enterprise as for their frugality and moral deportment—all combine to secure her future wealth and greatness under a republican government. Recent proofs of liberality and sound policy are found in the appropriation of a portion of the public treasure in aid of individual wealth and enterprize, towards making extensive turnpike roads and the erection of four bridges over the river Susquehanna. All those public works tend to bring nearer and more intimately connect the more distant parts of the commonwealth. The bridge over the north east branch of the Susquehanna has been prosecuted with so much zeal and effect as to ensure its completion in the course of eighteen months.

Having in former communications expressed my opinion on the subject of internal navigation, I deem it unnecessary to add more, than that I continue to be impressed with the importance of that kind of public improvement, and that it will give me particular satisfaction to concur with the legislature in doing something toward its promotion.

Many have been the essays of your predecessors to carry into complete effect the constitutional injunction of providing "by law for the establishment of schools throughout the state, in such manner that the poor may be taught gratis." Let not their failure discourage but rather prompt to extraordinary exertion to surmount the difficulty. On the want of a general diffusion of knowledge, the ambitious found their hopes of success in overthrowing our invaluable political institutions, and on their ruins to erect the throne of despotism. But a generally enlightened and well informed people, once free, cannot be enslaved; in proportion therefore as we value liberty, let our efforts be to diffuse knowledge as the most certain pledge of its security.

To another subject not less important to our real and practical independence. I mean home manufactures, your attention will naturally be drawn. Far be it from me, to express sentiments of hostility to a legitimate commerce, but it must be acknowledged, that the embarrassments under which the general government has for many years labored, has principally, if not exclusively, originated in circumstances connected with commercial transactions. Though in itself admirably calculated to promote the interest, comfort and improvement of nations, and though from it much might be derived to us and much from us to foreign nations, if not interrupted by the unjust monopolising spirit of governments feeling power, and forgetting right; yet I may be permitted to say, that commercial speculations have been estimated at too high a value, and symptoms have appeared in some, evincive of a disposition to barter the liberties and independence of their country for gold. Avarice, a passion capable of destroying every noble emotion of the soul, though it cannot be eradicated, a wise legislature may direct its force to objects beneficial to society. And as foreign commerce, by the existing war, is in a great measure interdicted, a favorable opportunity occurs to foster and encourage the establishment of our own manu-

factures, which while they enrich the individual, will promote the general interest and secure the real independence of our country.

A public treasury shewing on the 1st day of November last, an unexpended balance of $193,709,72, after having paid the ordinary as well as extraordinary expenses of the government since the 1st day of Dec. 1811, presents the mean through which may be attained every thing calculated to promote the security, happiness and best interests of our constituents. That our funds are adequate to any probable future expenses of the government, an exhibition to the legislature of the financial accounts, will shew. Those items in the account growing out of, or in any way connected with the war, will it is believed, furnish an item of charge against the United States, for it is fairly to be presumed, that Pennsylvania, ever zealous in support of the nation's rights, will not be burthened with more of those expenses than her just proportion.

The laws for the sale of unseated lands for taxes, ought to be so amended as that the commissioners or some other county officer, may purchase for the use of the proper county, every such tract of land offered for sale as shall not have bidden for it a sum equal to the taxes and cost due, reserving to the owner as whose estate it was sold, the right of redemption for a given period. The salutary results from the extension of the powers of justices of the peace, for the recovery of debts and damages, warrant the opinion that under proper regulations, the powers of those officers might be safely extended. Horse racing and its attendant gambling are growing evils—the penalty consequent to the latter vice is too trifling to deter: the former practice in the opinion of many can only be prevented by the forfeiture of the animal designated for this cruel sport.

A very considerable portion of the time of the last legislature having been occupied in the discussion of applications for the establishment of new banks, as those applications are likely to be renewed, I have thought it my duty to ascertain and submit to you a few facts, which have a direct bearing on this interesting subject. Since the adjournment of the legislature, the incorporated banks of the city of Philadelphia have subscribed a million of dollars to the United States loan. The whole amount of the subscription in the city of Philadelphia has been two millions three hundred and ninety-nine thousand three hundred dollars: an evidence of no mean kind of wealth and patriotism, and of the abundant capital of the state. Besides the sums thus loaned, the incorporated banks have taken a million of dollars of treasury notes, which give less than bank interest. The branch bank in this borough, has for months past had a sum of $100,000 unemployed. The bank commonly called the 6,000,000 bank, which was last spring incorporated by the state of New-York, has, I am assured, never been able to get half its capital subscribed, and certainly has not been able to go into operation.

The remedy afforded the commonwealth by existing laws for the recovery, from delinquent officers, of public monies by them withheld, and of recovering from delinquent contractors for making roads and for improving the navigation of rivers, monies by them received but never faithfully applied, is found to be almost totally inefficient. Few of the many suits, some of them commenced more than 10 years since, have been terminated by a course of law: the causes are too obvious to need specification. I will suggest that the interest of the commonwealth would be promoted by vesting the accounting officers with powers to compel the attendance before them at the seat of government, any and every such delinquent, his executors or administrators, for hearing, investigation and decision:—their decree from its date to have the effect of a lien, and to be final unless appealed from within a given time, and carried before a competent tribunal at the seat of government. This or any other mode which in a reasonable time, and with moderate expenses, would enforce the payment of the monies thus due to the state, would annually save the commonwealth very considerable sums.

The constitutional provision which directs, that "right and justice shall be administered without sale, denial or delay," it must be admitted, is rendered by the accused, in many cases of personal wrong, inoperative. The offender bound with surety for his appearance defaults—the consequence is a forfeiture of recognizance. If exacted, the commonwealth is benefited by results growing out of a violation of her laws, but the party really injured retires totally disappointed, and the judicial officer and witnesses are deprived of their lawful dues.—Justice and equity would seem to require that power should be vested in the executive, on the recommendation of the proper tribunal, to order in such cases of hardship, that a portion or the whole of the money forfeited be applied in remunerating the injured party, and for the payment of costs.

A copy of the resolution of the legislature of March last, requesting the attorney-general to consolidate the penal laws into one act, was transmitted to that officer on the 11th April last—his report, when received, will be immediately laid before you. Other duties incumbent on the executive, I trust, have been punctually performed.

Although "it has pleased the ruler of the universe in the course of his wise providence to visit us with the calamities of war," it becomes us, with sentiments of unfeigned gratitude to acknowledge his goodness, for he has mingled with his chastisements very many blessings. Our cities, farms, villages and country, have been blessed with general health; the labor of the husbandman has been crowned with abundance; the success of our merchants has exceeded our reasonable expectations; may these dispensations lead us to a reformation of our morals as a nation, and as individuals.

In the performance of every duty resulting from the constitution and the laws, I promise a faithful co-operation. SIMON SNYDER.

Harrisburg, 3d December, 1812.

Import of British Goods.

Documents referred to in the report of the committee of ways and means on the subject of late importations of British manufactures.

TREASURY DEPARTMENT, Nov. 18, 1812.

SIR—I have the honor, in compliance with the request of the committee of ways and means, to submit the following statement of facts so far as they have come to my knowledge, in relation to the late importations of British manufactures.

By the act of the 2nd March, 1811, it was enacted that certain provisions of the act "to interdict the commercial intercourse between the United States and Great Britain and France and their dependencies, and for other purposes," should (until the president's proclamation authorised, by the act, should have been issued) have full force and be immediately carried into effect against Great Britain, her colonies and dependencies. The provisions thus re-enacted forbade, under penalty of forfeiting the vessel and cargo, to import into the United States, or to put on board any vessel in a foreign port with intent

thus to import any merchandize of British growth or manufacture from whatever port imported, and any merchandize whatever from a British port.

It was further enacted by the same act (of March 2nd, 1811) that in case Great Britain should so revoke or modify her edicts as that they should cease to violate the neutral commerce of the United States, the president of the United States should declare the fact by proclamation, that such proclamation should be admitted as evidence, and that no other evidence should be admitted of such revocation or modification in any suit or prosecution for the recovery of the forfeitures abovementioned; and that the restrictions above stated should, from the date of such proclamation, cease and be discontinued.

By the act of congress of the 18th June, 1812, war was declared between the United States and Great Britain.

On the 23d of the same month, an order of council was issued by the British government, purporting to be a revocation of the edicts of that government which violated the neutral commerce of the United States, subject, however, to certain conditions specified in the said order.

Immediately after the promulgation of that order, British merchandize was laden on board the American vessels then in the harbors of Great Britain, with intent to import the same into the United States. It has been stated, and it is believed, that by far the greater part of those shipments were made in conformity with previous orders from merchants in America to their correspondents in England, by which these had been instructed to make such shipments whenever a revocation of the former British orders in council should take place; it having been presumed by the American merchants, that such a revocation would, by virtue of the above mentioned act of congress of 2nd March, 1811, produce a discontinuance of the prohibitions to import British merchandize into the United States.

On the 30th day of July following, the account of the declaration of war having reached England, a temporary embargo was laid on American vessels; but on the ensuing day, they were by order of council permitted to continue to take cargoes of British merchandize and to proceed to the United States, being for that purpose provided with licences protecting them, notwithstanding the existing hostilities, against capture by British cruizers. It has been stated that the time for obtaining such licences was, with respect to American vessels then in England, limited to the 15th of September last, and if that be correct, all the vessels of that description, (with the exception of some which having been captured by American cruizers, re-taken by the British and sent into Halifax, have not yet been released, and perhaps of some which may have had very long voyages) may be presumed to have arrived in the United States.

It appearing, that however reasonable the expectation of the discontinuance of the non-importation act might have been, yet not only the act had made the president's proclamation the only evidence of the fact, but that the restrictions were to cease, not from the date of the revocation of the orders in council, but from the date of the proclamation; that the act to put merchandize on board a vessel with intent to import was forbidden by those restrictions, and that (all the merchandize having been thus laden, either prematurely and before a proclamation could in point of time be issued by the president, or after the knowledge of war) all the shipments were, therefore, made in direct contravention of an existing provision; the collectors were instructed to seize and libel all such vessels and cargoes without discrimination. No exception was made with respect to vessels captured and sent in by American privateers, because, if American property, their right to make prizes was by law confined to enemy's property, and whether American or enemy's, the forfeiture to the United States had been incurred from the date of the shipment, and could not be superceded by a subsequent capture. Instructions to prevent any interference in that respect by either public or private armed vessels were also issued by the president; such interference being considered wholly unnecessary, since the vessels from England were of their own accord coming into the ports of the United States. It appears, however, that in some cases that the owners of privateers that have made captures of that description intend to contest the prior claim to forfeiture of the United States, and that, in those cases, the questions must be decided by the courts.

Previous to the time when those importations took place, it being understood that the judges of some of the district courts had restored to the claimants prohibited merchandize under seizure, on their giving bond for the appraised value thereof, the district attornies were on the 15th day of May, 1812, instructed by the comptroller to oppose every motion to that effect for the reasons stated in his letter. It appearing afterwards that the judges of some of the most commercial districts, had, notwithstanding that opposition on the part of the United States, continued to order the restoration of British merchandize; no appeal being practicable, since the orders were immediately executed, and the commercial interests of those disrricts where the restoration was refused being deeply affected by the want of uniformity in the decisions, the comptroller did, on the 5th day of October last, authorise the district attornies to withdraw their opposition in all cases of bona fide American property. Copies of his two circulars on that subject are enclosed. All the prohibited merchandize restored to the claimants, has been so restored by order of the court without any interference, other than forced acquiescence on the part of the executive officers of government. With respect to the mode of appraisement, it appears that the merchandize has generally been valued at its prime cost, adding thereto only the amount of duties, for which separate bonds have in most cases been taken. To this there are some exceptions, the valuation being, in Rhode Island below, and in Connecticut probably above the prime cost of the goods.

From returns transmitted by the collectors, some of which are in part on estimate, it appears that the prime cost of all the British merchandize imported, as above stated, subsequent to the alledged revocation of the British orders in council, amounts to about four millions sterling, and that the bonds given for the value will fall short of eighteen millions of dollars, exclusively of the bonds given for duties, and which may be estimated at five millions of dollars This embraces all the importations already made and will not be materially increased by vessels still on their way, unless it be true, as has been asserted, that American vessels which had sailed to the Baltic under certain British licences, will, on their arrival in England, be provided with new licences for their return to the United States with cargoes of British merchandize. Such importations would form a class distinct from those now under consideration.

Of the importations heretofore made, about three-eighths in value were in vessels which sailed from England between the 23d of June and the 1st of August last, and the residue in vessels which sailed subsequent to the month of July. The whole may be arranged under the following heads, viz.

1. Merchandize purchased prior to the non-importation act of the 2d of March, 1811, and which had remained warehoused in England at the risk of the American owners.

2. Merchandize purchased subsequent to the act of the 2d of March, 1811, and prior to the 23d of June, 1812, and which since its purchase had remained in the same manner in England.

3. Merchandize shipped on American account and risk, in pursuance of orders given prior to the 23d of June, 1812, but not paid for till after the execution of such orders, and on different terms of credit.

4. Merchandize shipped in pursuance of similar orders, but consigned in the first instance *to the order* of the American correspondents of the British merchants, to be delivered according to contingent instructions to the real purchaser; which merchandize becomes American property, when thus delivered, but remains till then on British account and risk.

5. Merchandize shipped entirely on British account.

There are no data from which, without further investigation, the amount of each class can be estimated.

The advance on the prime cost at which the merchandise thus imported has been or can be sold is not precisely known, and will undoubtedly vary according to the species of the goods. It has been asserted that in some sales the advance was sufficient to cover not only the prime cost, charges and duties, but even the whole of the amount of the bonds. That this may have actually taken place in some particular instances may be true; and it is probable that the importers would, so far as they could, cover in their sales, the estimated risk of being obliged to pay those bonds. But so far as can be judged from the current price of goods and from sales said to have taken place, the supposition that they have been or can be generally made so as to cover the whole amount of the bonds, is believed to be greatly exaggerated.

It is, however, an indisputable fact that the importation falls generally far short of the ordinary former annual importations from Great Britain, and of the actual demand for most species of the merchandize imported; and that the goods are accordingly generally sold at an advance greater than the usual profits of importers. The difference constitutes an extraordinary profit, and is a tax levied on the community by the persons who have imported the merchandize contrary to law; which extra profit or tax is solely due to the non-importation act continuing in force with respect to all other persons and importations.

Of the forfeitures accrued, one half is by law vested in the custom-house officers or informers, and the other half in the United States. The power to remit the share of the United States and of all other persons, in whole or in part, and on such terms and conditions as may be deemed reasonable and just, is by law vested in the secretary of the treasury.—But considering the magnitude and unforeseen nature of the case, it was thought proper not to exercise that authority until congress had taken the subject into consideration, and prescribed if they thought proper, the course to be pursued. All the petitions already received remain therefore suspended, and in order to avoid useless expences the parties have been generally advised to delay making their applications in the manner directed by law, until the decision of congress should be ascertained.

I have the honor to be, with great respect, sir, your obedient servant, ALBERT GALLATIN.

Hon. LANGDON CHEVES, *chairman of the committee of ways and means.*

[Here follows the letter from the comptroller of the treasury, alluded to in the preceding, and sufficiently to be understood from it for general purposes.]

TREASURY DEPARTMENT, Nov. 23d, 1812.

SIR—I had already transmitted an answer to your letter of the 18th instant, when I had the honor to receive that of the 20th, requesting, in addition to the statement of facts, such further and other views of the subject of the late importations of British manufactures as I might think proper, and particularly whether, in my opinion, their importation has not been actually and materially advantageous to the government.

Having, in the answer already transmitted, stated all the important facts within my knowledge, I cannot present the subject in any new or other view than that exhibited by those facts.

The payment of five millions of dollars for duties on those importations had been stated, and is advantageous to government. Indirect aid may also perhaps be derived from the increase of supplies and from the return of American capital produced by that event. But these advantages whatever they may be, have been forced upon government, and cannot be urged as a service rendered by the importers. Had those advantages been supposed sufficient to outweigh other political considerations, the importations might have been, and still be, permitted and regulated by law. In the case of the Calcutta vessels, whose cargoes (for the landing of which in the United States, bond had been given in India) have by the act of 5th July last, been permitted to entry; this was done on the express condition of the merchandise being warehoused and remaining subject to the future disposition of government: thus reserving the power to fix the terms on which those cargoes should be restored to the owners and their sale be permitted. In the case now under consideration, the persons who have imported contrary to law, do not seem entitled to more advantages than would probably have been imposed, had a previous permission been granted.

Upon the whole, I continue in the opinion, submitted with great deference to the committee, that the one half of the forfeitures which would otherwise fall to the share of the collectors ought to be remitted; but that, with respect to the one half belonging to the United States, justice to the community requires that, when remitted, at least an equivalent may be secured to the public for the extra profit, beyond that on common importations, which arises from the continuance of the non-importation act. I have the honor to be, with great respect, sir, your obedient servant, ALBERT GALLATIN.

Hon. Langdon Cheves, chairman of the committee of ways and means.

[Here follows the examinations of several committees of the merchants from Boston, New-York, Philadelphia and Baltimore maintaining, generally, the fairness of their purchases.]

Mr. *Russell* stated that after the revocation of the orders in council, many of the American merchants did apply to him to obtain his opinion, whether they could ship British manufactures to the United States with safety, or not? That before the revocation of the orders, upon considering the whole circumstances of the case, examining the words of the law, and perceiving that its operation depended solely on the revocation of the orders in council; considering the evident bearing of the examinations in parliament and the ground on which the opposition contended for the revocation of the orders, which was not so much an act of justice to the United States, as the advantage that was promised to their own manu-

facturers, he thought it his duty to countenance the idea that shipments made after the revocation of the orders would be admitted into the United States; that this ground was taken by the advocates for a revocation of the orders, who declared that they would advise their friends to ship as they believed shipments, in the event of a revocation, might be made with safety, and that he thought good policy required him to countenance the idea, in order to co-operate as far as possible with the advocates of the revocation of the orders.

That after the revocation of the orders, he continued to declare, and did declare to the merchants who applied to him, as his opinion, that they might make shipments with safety. This opinion applied only to the cases where shipments were made before war; after a knowledge of the war had reached England, he declared distinctly to the merchants, that the ground of a probable annulment of the non-importation act by the government of the United States had ceased.

Mr. Russell stated, however, that after the knowledge of the declaration of war had reached England, he did still advise the American merchants to ship: because, if the property remained in England during the war, it would be ruinous to the holders. Many persons, after the revocation of the orders, and before the news of the war arrived, had made purchases. He would not be understood to say, that he advised the merchants that in case the law should not be repealed, they would be permitted to enjoy the advantages of a monopoly and the consequent extraordinary profits, but merely that the property would not be confiscated; this, however, he said was not at all a subject of conversation. His opinion that the shipments might be made with safety, was founded as well on a presumption that the law would be annulled, as that the shippers would in any event, be placed as nearly as possible on the footing on which they would have stood, had the law been annulled. That if they should not be annulled, the special circumstances under which the shipments were made would entitle them to an exemption from all penalties.

He believed that before the revocation of the orders and after the interdiction, purchases were made under an expectation of a revocation, and these were made at reduced prices. The depression was not very material: after the revocation there was a rise, but they remained throughout lower than in the common times when the trade was assuredly free. He did not, however, pretend to be very conversant in these matters.

Some of the goods were purchased before the 2d February, 1811, but he would suppose they formed a very small portion of the importations; in the period intervening between that date and the revocation of the orders, there had been more considerable investments, but he believed the greatest portion was purchased after the revocation. There was then great activity in investments, but he thinks it probable they were purchased with funds which had been remaining there for the purpose, and which were appropriated agreeably to orders which had been previously given to be executed in the event of the revocation of the orders in council.

The knowledge of the declaration of war reached England about the 25th or 26th of July. Official information was not so soon received, and therefore the embargo which was laid by the British government was not imposed till the 30th July. The order subsequently issued permitting the departure of licensed vessels, but limiting their departure to the 15th of , was extended in some special cases, but not generally.

Treasury Report

LAID BEFORE CONGRESS DECEMBER 5.

In obedience to the directions of the "Act supplementary to the act entitled "An Act to establish the treasury department," the secretary of the treasury respectfully submits the following report and estimates.

I. TO THE END OF THE YEAR 1812.

The actual receipts into the treasury during the year ending on the 30th of September, 1812, have consisted of the following sums, viz.

Customs, sales of lands, arrears, repayments and all other branches of revenue, amounting together, as will appear more in detail by the statement (E) to	$10,934,946 90
On account of the loan of eleven millions of dollars authorised by the act of March 14th, 1812,	5,847,212 50
Total amount of receipts	16,782,159 40
Making, together with the balance in the treasury on the 1st of October, 1811, and amounting to	3,947,818 36
An aggregate of	$20,729,977 76

The disbursements during the same year have been as followeth, viz.

Civil department, including miscellaneous expences, and those incident to the intercouse with foreign nations		1,823,069 35
Army, militia, volunteers, fortifications, arms and arsenals	7,770,300	
Navy department	3,107,501 54	
Indian department	230,975	
		11,108,776 54
Interest on the public debt	2,498,013 19	
On account of the principal of do.	2,938,465 99	
		5,436,479 18
Amounting together, as will appear in detail by the statement [F] to		18,368,325 07
And leaving in the treasury, on the 30th Sept. 1812, a balance of		2,361,652 69
		$20,729,977 76

The statement [E] exhibits in detail the payments made by the treasury department for the several branches of the military and naval expenditure during the same year (from 1st October, 1811, to 30th Sept. 1812) and also during the two last months (October and November, 1812.)

The receipts for the last quarter of the year, 1812, on account of both revenue and loans, are estimated at 9,000,000 dollars; and the expenditures (including about 1,500,000 dollars on account of the principal of the public debt, and 1,000,000 for the militia) at nearly the same sum.

The sums obtained or secured on loan during this year, amount, so far as has been ascertained at the tresury to [a] 13,100,200

[a] *The amount was stated in the president's message at the commencement of the session, at eleven millions of dollars. The other two millions have been contracted for subsequent to its date.*

Of which there was received prior to 1st Oct. 1812, as above stated	5,847,212 50	
Received or to be received prior to 1st Jan. 1813,	6,202,987 50	
To be received in Jan. and Feb. 1813,	1,250,000	
		13,100,200

It will also appear by the statement [F] that this sum was obtained on the following terms, viz.

For six per cent. stock, irredeemable till 1st January, 1825, and afterwards redeemable at the pleasure of the United States		7,415,200
On temporary loans at the rate of six per cent. a year, and reimbursable as followeth, viz.		
In 1813	1,350,000	
1814	750,000	
1817	50,000	
		2,150,000
For treasury notes bearing an annual interest of 5 2-5 per cent. and reimbursable one year after date		3,535,000
		$13,100,200

From the present demand, it appears probable that the residue of the treasury notes authorised by the act of the 30th June last, and amounting to $1,465,000, will be disposed of prior to the 1st of March next.

It may be proper also to state that notwithstanding the addition thus made to the public debt, and although a considerable portion has been remitted from England and brought to market in America, the public stocks, which had at first experienced a slight depression, have been for the last three months, and continue to be, at par.

YEAR 1813.

The nett revenue arising from duties on merchandize and tonnage, which accrued during the year 1810, amounted to $2,513,490.

The nett revenue arising from the same sources which accrued during the year 1811, amounted, as will appear by the statements (A. & B.) to 7,902,560 dollars.

The same revenue for the year 1812, is estimated at $12,500,000, of which sum about $5,500,000 arise from duties on the last importations from Great Britain.

The custom house bonds out-standing on the 1st day of Jan. 1813, and falling due in that year, are estimated, after deducting bad debts, at 11,250,000 dollars: and it is believed that the probable amount of receipts from that source into the treasury during the year 1813, may be safely estimated at 11,500,000 dollars.

The sales of public lands north of the river Ohio, during the year ending on the 30th September, 1811, and after deducting the lands which have reverted to the U. States, have amounted, as appears by the statement (C.) to 390,000 acres; and the payments by the purchasers to $790,000. The Indian wars may affect the sales, and perhaps to a certain extent, the amount of payments. It is, however, believed, that that branch of revenue may together with some other small items be estimated for the ensuing year at $500,000; making the whole amount of probable receipts into the treasury for the year 1813, exclusively of loans, ... $12,000,000

The expenditures of that year are estimated as followeth, viz.

1. Expenses of a civil nature, both foreign and domestic	$1,500,000
2. *Public debt, viz.*	
Interest including that on new loans of the years 1812 and 1813 . .	3,300,000
Reimbursement of 6 per cent. and deferred stocks, and of temporary loans and treasury notes, falling due in 1813, and estimated amount of purchases of stock	5,700,000
	$8,500,000

3. *Military establishment:*

The estimates of the secretary of war are with respect to the army, predicated on the employment of the whole force authorised by law, and amounting to 36,700 men of every decription. Adding to this the expense incident to the service of volunteers and militia, and also the increase of pay of the army, the appropriation for arming the militia, and 400,000 dollars of the unexpended balance for fortifications, the whole contemplated expense may be estimated as follow:

Armay—Pay, subsistence, bounties, clothing, and hospitals,	$9,350,000
Ordnance and armories,	1,850,000
Quarter-master's department & contingencies	2,500,000
Fortifications	900,000
Arming the militia,	200,000
Volunteers and militia in actual service	2,000,000
Indian department	200,000
	$17,000,000

4. *Naval establishment:*

The estimates of the secretary of the navy are predicated on the employment of the following force, viz.

Commissioned and warrant officers,	871
Petty officers, seamen and boys, viz.	
For 9 frigates and 9 smaller vessels	3,620
For 200 gun-boats and other vessels	7,000
Marines including officers,	1,859
Total,	13,360

And the expence is estimated as followeth, viz:—

Pay, provisions and medicine	3,290,000	
Ordnance	100,000	
Repairs, contingencies, and navy yards, adding the annual appropriation of 200,000 dollars for timber	1,125,000	
Marine corps	410,000	
		4,925,000
Amounting altogether to		$19,925,000
The receipts on account of the revenue having been estimated at		12,000,000
Leaves a balance to be provided for by loans of		$20,925,000

Of this sum more than one million is already contracted for, and there remains on hand a balance of about a million and a half in treasury notes not yet disposed of. An authority to issue new notes for about two millions and a half more, being the amount reimbursable in 1813, will still keep the whole amount issued at five millions, and reduce the amount of the loan to about fifteen millions of dollars.

In order to facilitate the loan, and perhaps to improve its terms, it may however be eligible to leave some discretion in the executive as to the respective amounts of stock and notes to be issued; which may

be advantageously varied according to circumstances, without increasing the aggregate of both.

The preceeding estimates do not embrace the expence incident to the preposed increase of the navy, nor any other expenditure not yet authorised by law. In order to meet any new expences which may thus be authorised by congress, it will therefore be necessary to increase the loan to a corresponding amount.

The sums received or to be received on loan during the calendar year 1812 have been stated at $12,950,200

The payments on account of the principal of the debt during the same year, though not yet precisely ascertained, may be estimated (so far as ascertained on the 1st of December, at the treasury) at 2,350,200

Making the actual increase of debt during that year $10,600,000

It appears, according to the preceding estimate, that the whole sum to be borrowed during the year 1813, will amount to about twenty millions of dollars; and that the payments on account of the principal of the public debt will exceed five millions;—making the actual increase of debt during that year fifteen millions of dollars.

Of the revenue which will accrue during the year 1813, and on which the receipts of the year 1814 will principally depend, it is not practicable at this moment to form a correct estimate. So far as may be inferred from the experience of the short period which has elapsed since the declaration of war, it is not probable that the revenue derived from customs will exceed the amount of $5,500,000, at which it had been estimated in a former communication. The duties accrued, or which will accrue, during the last six months of this year, after deducting drawbacks and expences of collection, are estimated at less than nine millions of dollars, which, deducting about five millions five hundred thousand dollars on account of duties on the late importations from Great Britain, and one million of dollars for the duties on importations from Calcutta and China, would not leave more than $2,500,000 for the ordinary revenue on those branches of commerce which are permitted by law, and from which the United States will not be nearly excluded by the law.

All which is respectfully submitted.

ALBERT GALLATIN.

Treasury Department, Dec. 1, 1812.

Interesting Political Table.

To shew the general spirit that prevails amongst the people of the United States on a question of the first importance, *viz.* the *prosecution of the war against Great Britain*, we have formed the following table, giving at one view many interesting facts. In the first department, we have the state of *parties* in the House of Representatives of the United States, at the time of the declaration of war;—in the second, the vote on declaring that war existed between the U. States and Great Britain;—in the third, we give the result of the late elections in the several states so far as they are known, with conjectures as to the result in others. The latter are marked thus.* The last column shews the manner in which the members are chosen.

NOTE.—Elections have not yet been held in *Vermont, New-York, New-Jersey, Virginia* and *North-Carolina*—but the reader who is tolerably acquainted with the feelings of the people of those states, as lately expressed, will admit, that if our calculations are erroneous they are so in favor of the opponents of the war. *Vermont*, we think, is certain. In *N. York* a greater number of "republicans" will be chosen than are put down; but, perhaps, not more than 13 of her members will give a decided support to the war. In *New-Jersey*, as districted by the "federalists," each party counts upon obtaining 4 of the 6 members the state is entitled to: we therefore neutralize it. *Virginia* will, at least, maintain her ground; it is more than probable she will have but 5 *anti-war* members—we have said 6. In *North-Carolina* there will assuredly be 8 supporters of the war—very possibly 10. All the rest of the states are undoubted results.

STATES.	12th Congress			War vote.		13th Congress			HOW CHOSEN.
	whole no.	Rep.	Fed.	For.	Against	whole no.	Rep.	Fed.	
New-Hampshire,	5	5	0	3	2	6	0	6	By a general ticket.
Massachusetts,	17	9	8	6	8	20	1	19	By districts.
Connecticut,	7	0	7	0	7	7	0	7	General ticket.
Rhode Island,	2	0	2	0	2	2	0	2	Ditto.
Vermont,	4	3	1	3	1	*6	6	0	Ditto.
New-York,	17	12	5	3	11	*27	13	14	By districts.
New-Jersey,	6	6	0	2	4	*6	3	3	Ditto.
Pennsylvania,	18	17	1	16	2	23	22	1	Ditto.
Delaware,	1	0	1	0	1	2	0	2	General ticket.
Maryland,	9	6	3	6	3	9	6	3	By districts.
Virginia,	22	16	6	13	5	*23	17	6	Ditto.
North Carolina,	12	10	2	6	3	*13	8	5	Ditto.
South Carolina,	8	8	0	8	0	9	9	0	Ditto.
Georgia,	4	4	0	3	0	6	6	0	General ticket.
Kentucky,	6	6	0	5	0	10	10	0	By districts.
Ohio,	1	1	0	1	0	6	6	0	General ticket.
Tennessee	3	3	0	3	0	6	6	0	By districts.
Louisiana,		0	0	0	0	1	1	0	General ticket.
	142	106	36	79	49	182	114	68	

In this table we remark that though the "republican" majority in the *twelfth* congress was *seventy*, the war bill obtained only by a majority of *thirty*, 108 members being present: all the "federalists" and many "republicans" voting against it.

By the new census the house will consist of 182 members—of whom 114 will be "republicans," or "*war men*"—and 68 "federalists," or *anti-war-men*—POSITIVE WAR MAJORITY, FORTY-SIX. For, it must be observed, that ALL the "republicans" chosen, are chosen as supporters of the war, unless the terms proposed by our government are acceded to by the enemy.

In the senate, the war majority is considerably strengthened, and will be further increased.

The considerations naturally arising from the facts here presented, should lead us to a vigorous prosecution of the war, as the only way to obtain a safe and speedy peace, the ostensible object of all parties. The majority must, and will govern; and opposition, an improper opposition—will only lead to the duration of the war, the disgrace of our country and the triumph of the foe.

Events of the War.

MILITARY.

FROM THE ARMIES.—Of the *Northern army* our accounts are contradictory and uncertain. It is stated that on the 19th ult. col. Pike with his regiment penetrated about 7 miles into the enemy's country, and had a slight brush with the British and Indians, who retired, after sustaining some loss. We had 5 men wounded. On the 22d, it is further said, the whole army retrograded to the southward, to go into winter quarters. This is denied by others—and we are pleased to observe that the *designs* of the general, be they what they may, are so completely obscured, as it shews system and discipline.

Of the *army of the centre*, we have no important particulars since gen. *Smyth's* second proclamation, except that many volunteers were joining him, to be under the command of gen. *P. B. Porter.* The armistice terminated on the 22d ult. by notice from gen. *Smyth;* on which the British commenced a cannonade. This army appears "like greyhounds in the slips, straining for the start;" and we expect every moment to hear that it has crossed into Canada. Com. *Chauncey* had sailed up the lake to co-operate with gen. *Smyth,* in his attack on the enemy's lines.

From the *North Western army* we have not a particle of news, since our last.

The bill to increase the pay of the army of the United States has become a law.

Gov. Blount of Tennessee, announces the receipt of orders to detach 1500 men, to proceed immediately to New Orleans.

The nominations by the President, of Harrison, Chandler and Boyd, to be brigadier-generals in the army of the United States, have been ratified by the senate.

The following gentlemen have been chosen for field officers in the *First Regiment of New-Hampshire Volunteers,* by the company officers:

Aquilla Davis, of Warner, colonel; *John Carter,* of Bow, lieutenant-colonel; *Wm. Bradford,* of Mount Vernon, 1st major; *Jabez Smith,* of Sallisbury, 2d major; *Joseph Low,* Amherst, adjutant.

ALBANY, December 1.

Copy of a letter from Champlain to the editor, dated Champlain, Nov. 19.—"Yesterday general Dearborn arrived at this post, and to-day has issued the following order. To-morrow we expect orders to march: our advanced-guard is already over the lines; indeed, a scouting party last evening passed the river Lacole, routed a body of Indians, and fired their encampment. We had one man killed, and several slightly wounded, among whom is captain Biddle."

GENERAL ORDERS.

Head-Quarters, Champlain, Nov. 19, 1812.

The indisposition of brigadier-general Bloomfield renders it expedient for major-general Dearborn to take the immediate command of the troops on Lake Champlain and its vicinity, and the general embraces the earliest opportunity to express his confidence in the troops composing the army of the north. Their bravery and patiotism will supply any deficiency in military discipline and tactics, which time and experience will render perfect. In any movement towards the enemy, the most rigid attention to orders will be required, as well as a fixed determination in every individual of the army not to retreat or give ground before the enemy. Should any one be so lost to a sense of honor and military duty, and the pride of the American character, as to be guilty of disorderly conduct in time of action, he must expect no relaxation in the law martial. Every species of plunder or abuse of the inhabitants within the territory of the United States, or in Canada, is forbidden on pain of death. By order,

THOS. BIDDLE, captain 2d U. States Artillery, acting adjutant-general

BUFFALOE, NOV. 12, 1812.

To the men of the counties of Ontario and Gennesee.

FELLOW-CITIZENS—I transmit you the appeal of general Smyth, an able and experienced officer, to the patriotism of the state of New-York. It speaks to the heart of every man who is not lost to the honor and interests of his country.

He has at this place a powerful army, under strict discipline, in high spirits and eager for the contest. With this army he can and *will,* in the course of a few days, occupy all the British fortresses on the Niagara river; the possession of which will give him the command of the upper province. Humanity, however, suggests that this conquest should be achieved with the least possible sacrifice; it is for the purpose of obtaining a force that will over-awe opposition, and save the effusion of blood, that he now asks your aid and co-operation.

The crisis is an all important one to us and demands our best exertions. I shall accompany general Smyth to Canada, and will you not join your fortunes to mine and join him? Come on, then, and bring with you all the volunteers you can collect.—Let them provide themselves with warm clothing and blankets. They shall be supplied with arms and ammunition on their arrival at this place.

A vigorous campaign of one month will relieve your brethren on this frontier from the sufferings which always fall so heavily on those who have the misfortune to be placed at the seat of war. It will palsy the savage hand that is now wielding the scalping knife, restore peace to the whole of this section of the country, and redeem the tarnished reputation of the nation. Can the independent and high minded yeomanry of Genesee and Ontario remain idle spectators of events so interesting to our beloved country?

Yours, very respectfully,
PETER B. PORTER.

[The foregoing refers to the second proclamation of general Smyth inserted in our last number, page 216.]

CANANDAIGUA, November 24.

Volunteering.—Since the publication of general Smyth's proclamation for volunteers, a considerable number of citizens in the different towns in this county have assembled and subscribed volunteer enrollments for a short tour across the Niagara. Several companies have already marched, and others we hear will march immediately. We calculate on from seven hundred to one thousand men from this county.

We are informed that twelve or thirteen hundred have already volunteered and enrolled themselves in the county of Genesee. We think Niagara will furnish an equal number.

We hear also, that the little county of Seneca, although it has a considerable number of men already on the frontiers, will yet furnish many more. —That Cayuga will furnish a large number. We calculate on one thousand men from these two counties.

The aggregate number of volunteers which will turn out on this occasion, it is supposed, will be at least three thousand five hundred, and probably four thousand. *Messenger.*

FROM THE NATIONAL INTELLIGENCER.

Gentlemen—I transmit you for publication the enclosed letter politely and without solicitation addressed to me by Mr. Rush.

So far as respects myself personally, the tale it refutes merits no consideration and would meet no attention. Whether I am incompetent to the task of relating plain facts, many of which I saw and on all of which I had the feelings and information of hundreds to guide me, is a question of no importance to the public, and of no interest to the editors of those papers who have asserted or insinuated it. But it is deeply interesting to their passions and pursuits, that every account which tends to exonerate the government from all participation in the event of an expedition feebly conducted, and in a capitulation dishonorably concluded, should be assailed openly and covertly. I was aware, that every man, who should attempt, by a disclosure of the truth to communicate correct

information, must expect to have his motives impugned and his character assailed all the rancor of malignity and eagerness of party. As I felt no disposition to court, so I trust there was no necessity for avoiding an investigation like that. I had witnessed the irritation of feeling and the latitude of observation in many papers in the country. The terms "conscripts," "a little still-born army," and every injurious and opprobrious epithet, which party zeal could lavish upon western patriotism and enterprize, I had observed with regret, but without surprize. But I had to learn, that the editor of a newspaper upon his own responsibility would propagate a tale so false and unqualified, as that in the United States Gazette of — October last. The letter transmitted will shew what credit is due to the assertion of men, who can discover little to condemn in an enemy's government, less to approve in their own.

I cannot resist the present opportunity of placing in its proper point of view, a transaction misrepresented with all the virulence of faction. The capitulation for the surrender of Detroit, contained no stipulation allowing the commanding officer to forward to his government an account of the causes which produced, and of the circumstances which attended so unexpected an event. The commanding officer himself became an unconditional prisoner of war. His liberation or the intelligence he might communicate to his own government depended on the interest or caprice of the enemy. In this situation, on the arrival of col. M'Arthur within the jurisdiction of the United States, he became the senior officer of those troops, which by the capitulation were permitted to return home, and as such it became a matter of duty to report himself to the government, and of propriety to communicate to them all the intelligence in his power. For this purpose the second officer in command present was ordered to repair to the seat of government. On his arrival he found the rumor of the disaster had preceded him, and that information was anxiously and impatiently expected. Public report had informed the government, that they had lost a fort, an army and a territory, but of the remote or direct causes, which occasioned it, of the situation of their own troops, or of the designs of the enemy, they were profoundly ignorant. Were they in this situation fastidiously to reject proffered information, and continue wilfully ignorant of a transaction so striking in its features and so important in its consequences to the peace and character of the nation? Or were they not compelled by duty to seek every means of information, in order with promptitude to repair the evil, and with vigilance prevent the repetition of a similar one? Their duty surely cannot be mistaken by the most bigotted zealot of party. The act then of communicating intelligence and that of receiving it, was not merely neutral but commendable. Whether the officer upon whom this task devolved, executed it well or ill, must be left for an enlightened community to determine. It was a duty over which the government had no control. As he gave it they must receive it, neither accountable for the manner nor the accuracy of his relation.

The question which has been so *ably* discussed, whether this statement is *official*, in itself a very clear one, will become important and interesting, when disputes about words shall again agitate the feelings and divide the opinions of the world. Until then, it is cheerfully relinquished to those who have so earnedly investigated it.

That an officer, in his report must confine himself so those facts, which passed within his own observation, and to which he could testify in a court of justice, is among the novel and extraordinary pretentions, to which this communication has given birth. Meagre indeed would be every similar statement, were such a principle correct in theory or supported by practice. In a complicated transaction, it would present but a skeleton of a report, omitting many interesting details essential to a correct view of the subject, and necessary in the succession of facts, which connect causes with their consequences. It would require almost as many reports as there were actors, and instead of a faithful sketch by a single hand, a motley and discordant group of objects would meet the eye, exciting little interest and conveying little information. But, independent of any speculative view, which may be taken of the subject, it is sufficient to refer every candid and dispassionate observer to the reports of military transactions, which daily appear in our own and in other countries. The futility of the objection will be at once exposed, for it will be found that a report is seldom if ever made without violating this rule, for the first time applied as a standard to the statement of an officer of the most important military event, which had occurred for many years in the history of his country.

The propriety of publishing such a report remains only to be investigated. In a government founded on the power and supported by the confidence of the people, the right of the public to receive information on all national transactions is too clear to require support or to fear denial. Whether a battle be won or lost, whether the event be brilliant or disastrous, the duty of communicating and the right of claiming information remain still the same. Four weeks after the surrender of an important post, while the public mind is agitated and public expectation alive, the government receive from an officer dispatched by the senior officer within their jurisdiction and subject to their control, a statement of the circumstances, which preceded and accompanied the transaction. Two weeks would have been sufficient for the commanding officer to have forwarded his dispatches, had the capitulation conferred on him the right or the enemy the favor of doing it, immediately subsequent to the surrender. The government had a right to conclude the privilege was refused by them or the duty omitted by him. That portion of the troops, which by the capitulation was to be conveyed to the United States, afforded a secure opportunity for this purpose. This having failed, it became uncertain at what period his communication would be received. Were the government then to withhold the information they possessed, because that information attributed the failure of the expedition to its commanding officer? The character of the nation, the reputation of the government, and of every individual embarked in that expedition, were involved in its issue. Was it of no importance, by a correct disclosure of facts to redeem the public character and feelings? Was it of no importance, by placing in its proper point of view the features of the transaction, to shew, that the boasts of the enemy were as vain as their conquest was bloodless?—To prove to our country, that her sons might yet be led on to battle and perhaps to victory? The government too had a reputation to lose. That reputation was eagerly assailed. The failure of the expedition was attributed to the want of preparation, and the measures respecting it were characterised as imbecile and ignorant. The forbearance demanded was far from being granted. So far as respects the commanding officer, the details of an unfortunate expedition must be shrouded in Delphic obscurity, and the public await in dubious suspense the tedious process of military investigation. But every little nameless paper is at liberty to display its *brilliant* wit and *sarcastic* remarks at the expence of those who plan-

ned and ordered the expedition. Their reputation awaits the result of no trial. They must be offered up an expiatory sacrifice upon the altar of public indignation. The contemplated investigation, which is ultimately to determine the respective measure of merit and of blame, here becomes unnecessary. Its result is anticipated with that confidence which ought only to be inspired by an accurate knowledge of the attendant circumstances. To require in such a situation a studious concealment of those facts which would enable the public correctly to appreciate the conduct of all, is to require a species of forbearance as little suited to the practice as to the duties of life.

I am aware, that nothing which can be said upon this subject, will with many carry conviction, or produce acknowledgment. The most obvious considerations of reason and of justice will be overlooked. Such, in the conflicts of opinion and the collisions of party, has always been the case. But truth will ultimately prevail, and the public will eventually be enabled correctly to estimate the conduct of all who have had any agency in a transaction so deeply interesting to their character and feelings.

November 20, 1812. LEWIS CASS.

Washington, Nov. 3, 1812.

Dear sir—It was not until after I last had the pleasure to see you, and for some time after you left Washington, that the foolish insinuation, which has appeared in some of the newspapers, of my having been concerned in writing the letter you addressed to the secretary of war, first came to my ears; nor have I, to this day, seen the insinuation in print. I would have contradicted it at once but that it seemed to me quite superfluous, and that it would be to confer a notice upon it which its idle character did not deserve. In what so strange an untruth could have originated, I am sure I know not; neither can I divest myself of embarrassment in thus troubling you with a line about it. I have not yet heard it said that I wrote the address you delivered to the volunteers of Ohio in the spring, before I ever had the pleasure to see or to know you; and yet, it is certain, that I wrote as much of that as I did of your letter to the secretary of war.

I sincerely hope your health has been re-established since you left Washington, and that to other causes of regret connected with your march to Detroit, there will not be added that of any permanent injury to your constitution.

Believe me, dear sir, with great respect and esteem, your obedient servant,

RICHARD RUSH.

Colonel Cass.

NEWNAN'S EXPEDITION.

Detailed account of colonel Newnan's late expedition against the Florida Indians.

IN THE HOUSE OF REPRESENTATIVES OF GEORGIA.

Thursday, 5th Nov. 1812.—On motion,

Resolved, that his excellency the governor be requested to lay before this house any information, which may be in his possession, relative to an expedition lately conducted by the adjutant-general of this state, against the Seminolie Indians in East Florida. Read and agreed to.

Attest, HINES HOLT, *Clerk.*

Executive Department, Georgia, Milledgeville, 7th Nov. 1812.

Mr. Speaker, and gentlemen of the house of representatives!

In compliance with your resolution of the 4th inst. calling for information relative to an expedition lately conducted by the adjutant-general of this state, against the Seminolie Indians in East Florida, you will herewith receive a copy of a letter recently received at this department from colonel Daniel Newnan, which contains all the official information I possess. It is proper to remark that, as far as my knowledge extends, the expedition referred to was a voluntary act of the officers and men who were engaged in it. D. B. MITCHELL.

New-Hope, St. John's, Oct. 19, 1812.

Dear Sir—I have now the honor of transmitting to your excellency an account of the several engagements which have taken place between the Lotchaway and Alligator Indians, and the detachment of Georgia volunteers under my command. As the object of this expedition, and the views of the persons engaged in it, have been misconstrued, and misstatements, relative to its protraction circulated, I ask the indulgence of your excellency to detail every transaction from its commencement to its termination.

I arrived upon St. John's, in obedience to your orders, about the 15th of August, with the whole of my detachment, consisting [including officers] of about 250 men, and with few on the sick report. I immediately waited on col. Smith, before Augustine, and received orders dated the 21st of August, to proceed immediately against the hostile Indians within the province of East Florida, and destroy their towns, provisions and settlements. I then returned to the detachment upon the St. John's, and made every preparation to comply with my orders, by dispatching parties to procure horses from the few inhabitants that had not fled from the province, in preparing packs and provisions, and taking every step which I deemed necessary to insure success to the enterprize. In consequence of the sickness of myself and nearly one half of the detachment, the period of our marching was delayed until the 24th of September; and when just upon the eve of departing, an express arrived from col. Smith informing me that his provision waggons and the escort were attacked by a body of Negroes and Indians, and ordering me to join him immediately with 90 men, and bring all the horses and carriages I could command, for the removal of his baggage, field-pieces, and sick, he having only 70 men fit for duty. I marched to the relief of the colonel with 130 men and 25 horses, and assisted him in removing to the Block-house upon Davis's creek. This service delayed for a few days our expedition to the nation; and when the detachment again assembled upon the St. John's, and were about to commence their march, the men had but six or seven days to serve. About this time I received a letter from col. Smith, advising me to propose to the detachment an extension of their service for 15 or 20 days longer, as the time for which they were engaged was deemed insufficient to accomplish any object of the expedition. This measure I had contemplated, and its sanction by the colonel met with my most hearty approbation; for I was unwilling to proceed to an enemy's country with a single man, who would declare, that, in any event, he would not serve a day longer than the time for which he had originally volunteered. I accordingly assembled the detachment, and after stating the necessity of a tender of further service, proposed that the men should volunteer for three weeks longer; when 84 men, including officers, stepped out and were enrolled, which, with the addition of 23 volunteer militia sent to my aid by col. Smith, and 9 patriots under the command of capt. Cone, made my whole force amount to 117. With this small body, provided with four days provisions and 12 horses, I was determined to proceed to the nation and give those merciless savages at least one battle; and I was emboldened in this determination by the strong expectation of being succored by a body of cavalry from St. Mary's, and which it has since

appeared did assemble at Colerain, but proceeded no farther. On the evening of the 24th of September, we left the St. John's marching in Indian file, capt. Humphrey's company of riflemen in front, capt. Fort's company, under the command of lieut. Fannin, in the centre, and capt. Coleman's company, with Cone's detachment, under the command of lieut. Broadnax, in the rear. A small party marched in front of the main body, and another in the rear, the openness of the country (except in particular places) rendered it unnecessary to employ men upon the right and left. Our encampment of nights (there being three companies) was in the form of a triangle, with the baggage in the centre, the men with their clothes on, lying with their feet pointing outwards, and their firelocks in their arms. In case of an attack, the officers were instructed to bring up their companies upon the right and left of the company fronting the enemy, and attend to the Indian mode of fighting until ordered to charge. In case of meeting the enemy upon our march, Humphrey's company was instructed to file off to the right, Fort's company to advance and form to the front in single rank, and Coleman's company to file off to the left; the whole then to advance in the form of a crescent, and endeavor to encircle the enemy. On the morning of the fourth day of our march, when within six or seven miles of the Lotchaway towns, our advance party discovered a body of Indians marching along the path meeting us, and at the same moment they appeared to have discovered us. As soon as I was informed of it, I lost no time in giving the necessary directions for the companies to advance, and obey the instructions which had been previously given to them, and which appeared exactly suited to the situation in which we found the enemy. As soon as Fort's company (at the head of which I had placed myself) had advanced to its proper ground, I discovered the Indians falling back, and making every preparation for battle, by unslinging their packs, trimming their rifles, and each man taking his place. We continued to advance, taking advantage of the trees in our progress, until we were within 130 yards of the Indians, when many of them fired, and I instantly ordered the charge, which drove them from behind the trees, and caused them to retire with the greatest precipitation; our men all the while firing at them, slew several, and by repeated charges, drove them half a mile, when they took shelter in the swamp. It unfortunately happened (I presume through inadvertence) that Humphrey's company in filing to the right took too great a circuit, got a small swamp between them and the enemy, and thereby rendered the victory less decisive than it would have been, had the whole charged together, and before the Indians had dispersed themselves, and extended their force (which they soon did) near half a mile up and down the swamp. The company, however, was of service afterwards in preventing the enemy, after their dispersion, from entering our camp, retaking their baggage and provision (all of which fell into our hands) or falling upon the wounded, that had been sent to the rear. The action, including the skirmishing upon the flanks, lasted two hours and a half, the Indians frequently attempting to outflank us and get in our rear, but were repulsed by the companies extending to the right and left. We had one man killed and nine wounded, two of which have since died of their wounds. The loss of the enemy must have been considerable. I saw seven fall to the ground with my own eyes, among whom was their king, Payne, two of them fell near the swamp, the rest our men had the curiosity to scalp. The rifle company on the right and Broadnax's on the left, speak of killing several near the swamp, who were borne off by their comrades, it being a principle among the savages to carry off their dead at the risk of their lives. We remained on the battle ground watching the movements of the Indians, who were near the swamp painting themselves, and appeared to be in consultation, all of which indicated an intention to renew the combat. Accordingly a half an hour before sunset, having obtained a considerable reinforcement of negroes and Indians, from their towns, they commenced the most horrid yells imaginable, imitating the cries and noise of almost every animal of the forest, their chiefs advancing in front in a stooping serpentine manner, and making the most wild and frantic gestures, until they approached within two hundred yards of us, when they halted and commenced firing. Our men were not to be alarmed by their noise and yells, but as instructed, remained perfectly still and steady behind logs and trees until the enemy by this forbearance had approached somewhat nearer, when a brisk and well directed fire from our line soon drove them back to their original ground. I would now have ordered the charge, but being under the necessity, from the extension of the enemy's line, of detaching nearly one-half of my force to protect our camp and wounded (the assailing of which is a great object with Indians) I was left to contend with a force three times as numerous as my own. The action lasted until eight o'clock, when the enemy were completely repulsed in every attempt whether made upon our centre or flanks. We had two men killed and one wounded; the enemy carried off several of their men before it was dark—after which all firing (of course random) was at the spot from whence the flash arose. After fighting and fasting the whole day, we had to work throughout the night, and at day light had a tolerable breast work of logs and earth, with port holes on the ground on which the battle was fought. We were reduced to this necessity, for in dispatching capt. Whitaker about dark to St. John's for a reinforcement, six more men took the liberty to accompany him, taking with them our best horses: our pilot and surgeon (who was sick) was among the number. The two days succeeding the battle, we neither saw nor heard any thing of the enemy. but on the evening of the third day they commenced firing at our work at a long distance, and renewed it every day for five or six days, but without killing or wounding any of our men.—After killing two or three of them through our port holes they seldom came within gun-shot. Seven or eight days had now elapsed since our express had left us, hunger was staring us in the face, and we were now reduced to the necessity of eating one of our horses; we had no surgeon to dress the wounded, and apprehensions were entertained that the enemy would receive reinforcements from Augustine or the Makasukie Indians. Expecting relief every hour, I was unwilling to leave our breast works while we had a horse left to eat, but I understood from some of my officers that a certain captain was determined to leave us with his company, and that many of the men giving up all hopes of relief, talked of deserting in the night rather than perish, or fall a sacrifice to the merciless negroes and Indians, whom they were taught to believe would surround us in great numbers in a few days. In this trying situation, when our few remaining horses were shot down by them, and the number of our sick daily increasing, I reluctantly assented to leave our works that night, and directed the litters to be prepared to carry the wounded. About nine o'clock we commenced our distressing march, carrying five wounded men in litters and supporting two or three more. We had not proceeded more than eight miles, when the men became perfectly exhausted from hunger and fatigue

and were unable to carry the wounded any farther. About two hours after we left our breast works, 25 horsemen, with provisions, arrived to our relief, on a different road from the one we had taken, but, from motives best known to themselves, instead of following us, returned to St. John's, and we were left to encounter new difficulties, two men that I had dispatched on the path the horsemen came, by some means or other missing them. We again constructed a place of defence, and I dispatched serjeant-major Reese with one private to Picolata, to learn what had occasioned the delay of our expected supplies, and told him I should remain where I was until I could hear from him, and endeavored to procure cattle, as we discovered signs of their being near us.

The evil genius of captain —— again prevailed, and I have since learned from captain Cone, that this person instigated not only him, but many of the privates to urge a departure from our works even in the day time, when I was convinced that the Indians knowing our weak situation would endeavor to ambuscade. This gentleman if innocent will have an opportunity of proving himself so before a court martial. With a burning fever on me, and scarcely able to walk, the march was ordered about three o'clock in the afternoon. I had directed the adj't. captain Hardin, to march in front, to avoid all places where there could be an ambuscade, and the litters should be distributed among the different companies. Being extremely weak I marched in the rear with captain —— (who carried my firelock) lieutenant Fannin and about fifteen or twenty privates. We had scarcely marched five miles before the front of the detachment discovered the heads of several Indians on both sides of the path, from among several pine trees that were laid prostrate by the hurricane; the same instant, the enemy fired upon our advanced party, and shot down four of them, one a Spaniard, died on the spot, and two survived a few days; my negro boy was one of them. The moment I heard the firing I ordered the detachment to charge, and the Indians were completely defeated in fifteen minutes, many of them dropping their guns, and the whole running off without ever attempting to rally. Four were left dead on the field, and I am convinced from the constant fire we kept up, that many more must have been slain, but were hid from our view by the thick and high Palmetto bushes. We lay on the battle ground all night, and started next day at 10 o'clock, marched five miles and again threw up breast works between two ponds, living upon gophers, alligators and palmetto stocks, until serjeant-major Reese arrived with provisions, and 14 horses when we were enabled to proceed to St. John's with all our sick and wounded, where a gun-boat by the direction of colonel Smith was in waiting for us, which conveyed us to his camp, where we met with every attention that humanity or benevolence could bestow. I cannot refrain from here expressing the high sense I have of the care and anxiety which colonel Smith has manifested for the detachment under my command, and his promptitude in affording every aid in his power, when apprized of our situation. My pen can scarcely do justice to the merits of the brave officers and men under my command, their fortitude under all their privations and distresses never forsaking them. Captain Hamilton, (who volunteered as a private, his company having left him at the expiration of their time,) lieutenant Fannin, ensign Hamilton and adjutant Harden distinguished themselves in a particular manner, being always among the first to charge, and first in pursuit; serjeants Holt and Attaway likewise acted very bravely, and Fort's company in general (being always near me, and under my immediate view) advanced to the charge with the steadiness of veterans. Lieutenant Broadnax shewed a great deal of courage and presence of mind, and ensign Mann who was wounded in the first action fought well. Captain Cone who was wounded in the head early in the action behaved well, and lieutenant Williams did himself great honor in every action, but particularly in the bold and manly stand he made in the night engagement. Serjeant Hawkins and corporal Neil of Coleman's company acted like soldiers, and serjeant-major Reese's activity was only surpassed by his courage; he was every where and always brave. Captain Humphreys' company acted bravely, particularly lieutenant Reed, serjeant Fields, serjeant Cowan, serjeant Denmark and many of the privates. I can only speak of captain Humphreys from the report of some of his men, who say he acted well; it so happening he never met my eye during either of the engagements, while the conduct of every other person that I have mentioned (except one or two) came under my personal observation. The number of Indians in the first engagement, from every circumstance that appeared, must have been from seventy-five to an hundred—in the second engagement, their number [including negroes, who are their best soldiers] was double ours, and in the third engagement there appeared to be fifty which was nearly equal to our force, after deducting the sick and wounded.—From every circumstance, I am induced to believe that the number of killed and wounded among the Indians must be at least fifty.

I have the honor to be, with great respect, your most obedient servant, DANIEL NEWNAN.

His excellency David B. Mitchell.

NAVAL.

GLORIOUS NAVAL VICTORY.

We certainly calculated on the pleasure of laying before our readers in the present number, the *official* account of the late unprecedented victory of the frigate *United States*, capt. *Decatur*, over the British frigate *Macedonian*, capt. *Carden*—gained on the 25th of October, off the Western Islands. It has not yet come to hand, though from the article that follows it appears that the colors of the enemy have arrived at the seat of government—the prize is also in port. Our readers, therefore, as we ourselves are compelled to do, must content themselves, for the moment, with a knowledge of the following pleasing facts—the first account is copied from a New-York paper; the second from the *National Intelligencer*.

New-York, December 7. 1812.

America, for whom it was reserved to disarm the lightning of Heaven, to discover first the use of the quadrant, and then the perpetual motion, is now snatching the trident of Neptune from the mistress of the ocean, and giving signal proofs of her own naval superiority.

On the 25th of October, off the Western Islands, the frigate United States, com. Decatur, fell in with the British frigate Macedonian,* capt. Carden, (rated in Steel's list at 38 guns, mounting 49 and carrying 306 men) and after a close engagement of seventeen minutes, succeeded in capturing her, and has arrived with the prize off New-London, on their way to this port.

The Macedonian had 106 men killed and wounded. She was totally dismasted, and nearly 100 shot holes in her hull. In five minutes after this action, the United States (having received little injury, and having only five men killed and six wounded) was fully prepared for another.

Shortly after the engagement commenced, such

*Built in 1810.

torrent of fire proceeded from the American vessel, that the crew of the Macedonian, supposing she was on fire, gave three cheers.

Mr. Hamilton, one of the officers belonging to the frigate United States, was landed at New-London on Friday night, and passed through this city yesterday morning for the seat of government with a detail of this glorious achievement and the colors of the enemy.

WASHINGTON, Dec. 10.

Letters have been received in this city from commodore Decatur, dated off New-London, on the 4th instant, containing the information that on the 25th of October, in lat. 29 N. long. 29 deg. 30 min. W. the frigate United States, under his command, fell in with, and, after an action of an hour and an half, captured the British frigate Macedonian, commanded by captain John Carden, mounting forty-nine carriage guns. The captured vessel is a frigate of the largest class, two years old, four months out of dock, and reputed one of the fastest sailers in the British service. The Macedonian being to windward, had the advantage of engaging the United States at at her own distance, which was so great, that for the first half hour, the United States did not use her carronades, and at no moment was the British frigate within the complete effect of the musketry or grape shot of the United States. To this circumstance, and a heavy swell which prevailed, is ascribed the length of the action. The conduct of the officers, seamen and marines is said to have merited the highest commendation. The superiority of the American gunnery was obvious. The Macedonian lost her mizen-mast, fore and main-top-mast and and main-yard, and was much cut in her hull. The damage sustained by the United States was not such as to render her return into port necessary, had it not been considered important that the prize should be brought safe into port.

The killed on our side were John Musser Funk, lieutenant; John Archibald, carpenter; Thomas Brown and Henry Shepherd, seamen; William Murray, boy; Michael O'Donnell and John Roberts, marines. The wounded were five in number, and are recovering.

On board the Macedonian, there were thirty-six killed and sixty-eight wounded. Among the latter are the first and third lieutenants, one master's mate, and two midshipmen,

Both vessels have arrived on our coast.

—

The news of the third brilliant naval victory was received in this city, through the medium of private letters, on the evening of Tuesday last, and having been announced by an extra from the office of the National Intelligencer, was hailed with the most lively demonstrations of joy. The city was generally and in some parts of it brilliantly, illuminated, as soon as the day shut in.

It so happened that the very evening of its arrival had been previously selected for "a naval ball" in compliment to the officers and navy generally, and particularly to captain Stewart, in acknowledgment of his politeness to our citizens on a recent occasion.—A large and very respectable company assembled—the scene was graced by the presence of nearly all the beauty and fashion of our city.——All was joy and gaiety, such as could scarcely admit of augmentation. And yet it was destined to be increased. About 9 o'clock a rumor was spread through the assembly, that lieutenant Hamilton, the son of the secretary of the navy, had reached the house, the bearer of the colors of the Macedonian, and dispatches from com. Decatur. The gentlemen crowded down to meet him. He was received with loud cheers, and escorted to the festive hall, where awaited him the embraces of a fond father, mother, sisters! It was a scene easier felt than described. The room in which the company had assembled had been previously decorated with the trophies of naval victory—the colors of the Guerriere and the Alert, displayed on the walls, roused the proud feelings of patriotism, and had revived in every mind the recollection of the bravery which won them. The flag of the *Macedonian* alone was wanting to complete the group. It was produced, and borne into the hall by capts. Hull and Stewart and others of our brave seamen, amid the loud acclamations of the company, and greeted with national music from the band.—The amusements of the evening, we need scarcely add, were suspended from the time Mr. Hamilton's arrival was first announced, until the fervor of the moment had in some degree subsided. Mutual gratulations went round the room; a general expression of the tribute due to skill and valor, involuntarily broke from the lips of all; and the smile of beauty, the meed of valor, was liberally bestowed on the brave defenders of their country's rights. Subsequently, at the supper table, a toast was given by one of the managers—"*Commodore Decatur and his officers and crew of the frigate United States*",—and received with the greatest enthusiasm, and repeated plaudits. Such a scene, as this occasion exhibited, we have never before witnessed, and never, never, "so long as memory holds her seat," shall we forget it!

The sloop captured on Ontario had $12,000 in specie on board.

Four British gun-boats approached *Ogdensburg* on the 17th ult. and opened a tremenduous fire of grape shot, &c. upon a centinel! The brave fellow maintained his post; and, being joined by four or five of his comrades, riflemen, returned the fire. No harm was done, that we hear of.

The British ship Poictiers, of 74 guns, has been off the capes of Virginia for several days past, looking for com. *Rodgers'* squadron! *We pray that she may find it.*

The frigate *Constitution* and sloop of war *Hornet*, under English colors, boarded an American vessel in lat. 30, long. 50. They were searching for two British frigates that were cruising off the Western Islands.

Sloop Jane, Robinson, of Fairfield, from New-York for Boston (with gin, teas, jewelry, &c.) was captured on the 18th ult. by the British privateer Liverpool Packet, every man, except capt. R. taken out, and a prize-master and three men put on board, and ordered for Liverpool, N. S.—two days after, the master's mate (who navigated the sloop) was knocked over board by the mainsail; when capt. R. succeeded in securing the arms and forcing the men to assist in navigating the vessel to Boston, where she arrived last Saturday. Capt. R. had not closed his eyes for seven days and nights previous to his arrival there and came in greatly exhausted.

Arrived at Boston, the brig Mary, a cartel from St. John's, Newfoundland, with 76 American prisoners, chiefly taken from fishing vessels—being at the time of her sailing all the Americans at that place.

The brig South Carolina has arrived at Philadelphia, as a prize to the *Constitution* frigate, for having a *British* license.

The editor of the *Democratic Press* concludes his account of the capture of the *Macedonian* by the following lines, the pompous motto of the *British Naval Register*:—

"The winds and seas are Britain's wide domain,
"And not a sail, but by permission, spreads."

Extract of a letter from an American gentleman in Halifax to his friend in Washington city, dated November 9, 1812.

"Since I have been here (about fifteen days) upwards of 20,000 barrels of flour have been brought in by vessels under Swedish and Spanish colors—most of the shipments are from Boston.

'Tis whispered here that the Indians in this quarter will join the Americans against the British; I have heard several naval officers state (and it was supposed to have come from admiral Warren) that *Petion, of St. Domingo, has petitioned the British government to land him in the Carolinas*, or on any part of the American southern frontier, that he may form a *junction* with the *negroes* in that quarter.

The American privateers annoy this place to a degree astonishingly injurious; scarcely a day passes but crews are coming in that have had their vessels taken and sunk—a great many of them are wounded—I have set out twice for home in British vessels, via Campo Bello, and have been twice chased in by the vigilant American privateers."

It has already been noticed that the vessel captured on Lake Ontario, in which was capt. Brock, had on board, among other valuable articles, $12,000 in specie. This appears have been the private property of the late major-general Brock; and the fact being made known to our sailors, they unanimously agreed to relinquish it. Thus do our tars beat the enemy, as well in generosity as in gallantry.

It is now admitted we have the full command of *Ontario*. The Royal George, first battered by the squadron, and since that severely handled by one of our forts, is propably unfit for service and not worth repair. We expect particulars.

The passengers from Halifax, in the late cartels arrived at Boston, state, that admiral *Warren* is quite outrageous because his efforts to conciliate America into a surrender of her gallant seamen, and with them her independence, has failed. He is about to commence the war in "reality"—the ships of war have taken in large quantities of shells, grenades, carcasses and congreves and other stores,"—we suppose the "defective masts" have been removed to "*Copenhagenize*" *all the United States*. "Angels and ministers of grace defend us!" Perhaps sir John may attempt to visit New-York—if he does, he will find a *warm* reception. Five hundred *red-hot shot* may be discharged at him in less than five minutes. It is insinuated, however, that he will proceed to the southward of the Delaware.

American Prizes.

WEEKLY LIST—CONTINUED FROM PAGE 224.

269. Barque Fisher, from Rio Janerio, with a very valuable cargo and specie—sent into Portland by the Fox of Portsmouth.

270. Brig James Bray, with rum and pimento, has arrived at Boston, a prize to the Bunker's Hill.

271. Brig Union, from Guernsey for St. Christopher's, sent into New-York by the general Armstrong privateer.

272. Brig Lady Harriot, with a cargo of wine, from Cadiz, has been sent into New-York by the ORDERS IN COUNCIL!—a privateer of that place. Good!

273, 274, 275, Three vessels, captured by the same, and ransomed.

276. Brig Freedom, 700 hogsheads of salt, from Cadiz for St. John's, sent into Marblehead by the Thorn privateer.

☞ It has not been our good fortune, latterly, to record the capture of many prizes. This has not arisen from want of activity in our many privateers, but from the scarcity of the enemy's vessels. Several of them have cruized from 8 to 10,000 miles without seeing an *Englishman*. Whether the British government is unable to furnish the needful convoys—whether the merchants are unable to sustain the great expense of them—whether at this season of the year the Atlantic is usually so free of their vessels—or whether the commercial mind of the enemy is panic struck by the hardy exploits of our tars and and will not venture forth, time will determine. Our privateers have done all that the most sanguine expected of them.

Our little Navy.

With unutterable pleasure we record another most gallant naval achievment—a thing without precedent or parallel—an action *sui generis*, unique, incomparable—a *British* frigate dismasted and compelled to surrender in *seventeen minutes*, with 106 of her crew, one third of her number, killed and wounded, by a vessel but little her superior in force—by a new people, unused to the horrid business of war; by strangers to the thunder of cannon.

We are lost in astonishment at the *effect* of *Decatur's* fire—no wonder that the *Britons* thought he was enveloped in flames and rejoiced, giving three cheers. Weak mortals!—they had yet to learn the great activity of *Decatur's* youthful crew, and feel the power of the *vengeance-charged* guns of the *United States*.

Thus it was with *Hull*, with *Porter*, with *Jones* and with *Chauncey*, on the lake. Every shot had its private commission to revenge a private wrong—some lashing at the gang-way of a *British* vessel of war—some privation of food for refusing to labor for "his majesty"—some personal indignity which imperious *Britons* know so well to give to "Yankee rascals."

The gallant *Rodgers*, unsuccessful, vexes the deep. Like the bold bald eagle of his country, he darts over the region of waters in search of his enemy; groaning in spirit that the foe is not nigh. But the time will come when he shall reap a rich harvest of glory.

Bainbridge, in the *Constitution*, with the sloop *Hornet*, commanded by the excellent *Lawrence*, was near the middle of the Atlantic, *hunting* British frigates, at the date of our last accounts from him.

Porter, in the little frigate *Essex* is,—we know not where; but doubtless desirous of paying his respects to sir *James Yeo*, of the *Southampton*; who, *dubbed* a knight by a king, wants to be *dubbed* into a gentleman by a *Porter*: and we venture to say that if they meet the knight will get a lesson on good manners.

The *Constellation*, captain *Stewart*, will soon be at sea, to claim her portion of the laurel; and the *Adams* frigate, nearly fitted out at Washington city, will bring to the recollection of our aged patriots the ardent zeal that distinguished her *namesake* in "the times that tried men's souls."

LET THE NAVY BE AUGMENTED—AND IMPRESSMENT WILL CEASE. Let it be done quickly, that the war may end with glorious safety.

Proceedings of Congress.

The house of representatives were chiefly occupied on Thursday the 3d inst. and several succeeding sittings, on the report of the committee of ways and means relative so the bonds of the merchants for British goods lately imported, in contravention of the non-importation law. The debate has been very animated and interesting.

On Monday last, Mr. *Posey* of Louisiana took his seat in the senate.

HOUSE OF REPRESENTATIVES.

Wednesday, Dec. 9.—Mr Basset offered to the house the following resolution:

Whereas, It is represented that Great Britain has seized sundry persons fighting under the American flag, laying claims to them incompatible with justice and the rights of the United States as an independent nation:

Resolved, That the President be requested to lay before this house the information he has received on that subject, and the measures taken to redress an evil which violates the rights and interests and outrages the feelings, of a free and independent people.

A resolution was ultimately adopted without opposition, in the following words:

"*Resolved,* That the President of the United States be requested to cause to be laid before this house any information which may be in his possession touching the conduct of British officers towards persons taken in American armed ships."

And a committee was appointed to wait on the President and lay the resolution before him.

Pennsylvania Militia.

As returned by the Adj't. Gen. for the year 1812.

RECAPITULATION.

Infantry,		92,583
Light infantry,		2,140
Riflemen,		2,686
Cavalry,		1,759
Artillery,		246
Total,		99,414
ARMS.		
Public muskets,	10,284	
Private do.	1,561	11,845
Public fusees,	1,829	
Private do.	14,683	16,512
Private rifles,		2,009
Total,		30,366

It is expected that considerable provision will be made during the present session, for the militia, that they may hold in the present war, that rank, which they gained in the revolution.

THE CHRONICLE.

William Hawkins, Esq. has been re-elected governor of North Carolina.

The legislature of Pennsylvania met at Harrisburg on Tuesday the 1st inst. *Presley Carr Lane,* was re-elected speaker of the senate, and *John Todd* speaker of the house of representatives. Four vacancies occurred in the electoral college—*to wit,* in room of CHARLES THOMPSON.* *Adamson Tannehill, Arthur Moore* and *Charles Shoemaker,* whose places were supplied by a joint vote of the legislature [88 to 21] by *Walter Franklin, Alexander Dysart, Joseph Reed* and *Charles Shoemaker,* jun.

The legislature of Virginia met on Monday the 30th ult. *Robert Taylor* was re-elected speaker of the senate, and *Andrew Stephenson* speaker of the house of delegates. On the same day, governor *Barbour* transmitted to them an excellent message, the great length of which forbids its insertion in the present number of the REGISTER.

*This venerable old man was too unwell for the journey to Harrisburgh. Gen. Tannehill and Mr. Moore are with the army at Buffaloe.

In the legislature of *North Carolina* an amendment to the constitution of the United States has been proposed—the object of which is that the electors of president and vice-president shall be chosen by districts in each and every state. We wish it also extended to the election of members of congress, and that the districts, in each case, should be confined to the election of one person only.

William Eustis, Esq. has tendered, and the president has accepted, his resignation of the office of secretary at war. Gen. Armstrong is spoken of as his successor.

The editor of the Register is privately assured by several gentlemen on whose judgment he places the highest reliance, that the PERPETUAL MOTION is actually discovered, as heretofore noticed in this paper. We have not yet seen an account of the machine that suited our idea as descriptive of the apparatus, but soon expect one. One of the gentlemen above alluded to, a mechanic of the first class, says—"To me it is self-evident that *the perpetual motion* is discovered—it is yet to be ascertained if it can be applied to useful purposes." The fact, however, is doubted by others.

Valuable Information.—The writer of this is informed by general Twiggs, that there is in this state a large quantity of *flint rock,* of an excellent quality for gun flints; it lies about 35 miles below Augusta, near a place called Mobley's pond, in Burke county, and not more than four or five miles from the river Savannah. The quarry contains both the opaque or black, and the transparent or oil flint; and the general often supplied himself from it during the American war. *Augusta Chronicle.*

Massena has formed a junction with Marmont, and his force is sixty thousand men. The siege of Burgos has been raised by the allies.

The Russian account of the great battle of Moskwa differs materially from the French. It states that they only lost twenty-five thousand, and that the French lost forty-five thousand men. But the fact is that Bonaparte entered *Moscow* immediately after it.

The *kingdom of Poland* is re-established under the sanction and patronage of the emperor of the French. The *act of confederation* shall appear anon.

Letters from the British West India islands give a sad picture of the sufferings of the people. The negroes are fed on inferior sugar instead of corn, which is 450 cents, cash, *per bushel.* Flour has been sold as high as $50 a barrel.

Melancholy intelligence.—The friends of the missionary cause will read, with sincere and deep regret, the following intelligence which is copied from the London Commercial Chronicle, of the 17th of September last:

"A letter from Seramporo, dated March 12th, received September 9, gives an account of a fire, which broke out in the printing office at the mission house on Wednesday evening, March 11, and destroyed 2000 reams English paper (worth of these £5000 sterling) and *founts of types in fourteen languages,* besides English. The loss cannot be less than £12,000, and all the literary labours of the missionaries are interrupted at once."

The editor of a Liverpool paper, speaking of the President's message of June, says, "It is undoubtedly one of the ablest state papers which ever issued from the American government, and must be allowed by every person who is capable of exercising any candor on the subject, to make out a very strong case against this country. It leaves a most irresistable impression in favor of the American cause. On the received principles of public law and national justice, we have no *chance of justification.*

THE WEEKLY REGISTER.

No. 16 of vol. III.] BALTIMORE, SATURDAY, December 19, 1812. [whole no. 68.

Hæc olim meminisse juvabit.—Virgil.

Printed and published by H. Niles, South-st. next door to the Merchants' Coffee House, at $ 5 *per annum.*

Naval Establishment.

Report of the committee appointed on that part of the President's Message which relates to the Naval Establishment, recommending an increase of the Navy of the United States.

The committee appointed on that part of the President's Message which relates to the Naval Establishment—report in part:

That in performance of the duty assigned them, the committee could not fail to advert to the report made at the last session of congress on this subject. Having adverted to it, they could not fail, from the justness of its reasoning to reply on it, and pray that it may be taken as a part of their report.—The little experience as yet afforded us in naval warfare corroborates the principles there contended for, and in this view, they think themselves supported by that passage in the president's message which says: "Our trade, with little exception, has reached our ports; having been much favored in it by the course pursued by a squadron of our frigates under the command of commodore Rodgers."

They therefore concurred in the opinion that it is proper to increase the naval establishment. For information as to the mode of increase, they applied to the navy department, and obtained the documents which they submit to the house. The comparative effect of vessels of different rates must be considered as demonstrated by these documents. Yet were your committee apprised, that in the complicated system of naval warfare no one principle could be relied on as applicable to all times and all occasions, but that a patient comparison of many principles was necessary to a just conclusion. They were apprised that facility of movement should be combined with efficiency of force. Nor were they regardless of the benefit of occasional division. Inasmuch, however, as great gain will sometimes follow from the power to operate on many points at once, yet at others it may be all important to give unity to your force. To obtain the three things desired, it is essential your naval establishment comprise ships of different rates.

It is evident too from the documents, that you economise in men and money, by providing some of the larger ships. This conclusion, so well fortified by reason, is found in unison with the practice of all nations who have had the fiscal and other means of procuring a navy. Indeed it would seem almost the spontaneous effect of instinct without the aid of reason, to oppose like with like. To yield the advantage of the sabre, the bayonet, or fire arms, to your enemy, would by all men be deemed miserable policy. Can reason change with the element? Let us then have for defence 76, 38 and 16 gun ships: because we are to oppose an enemy possessing all these means of attack, and because they combine all advantages in naval warfare. It is not the intention of your committee to put aside the gun-boats; but they believe that considering the opportunity afforded them for action, that an ample portion of that species of force has been provided. Your committee cannot conclude their report without bringing to the view of the house the fact, that the naval superiority of Great Britain, which secures her integrity and supports her dignity, is maintained at a cost much below the military establishments of the continent. And it is with something like exultation, as republicans, that they present a species of national force that, whilst it will best subserve the national defence, can operate least on the national liberty. It is a bright attribute in the history of the tar, that he has never destroyed the rights of the nation. In its defence only is he to be found.

Thus aided by economy and fortified by republican principle, your committee think they ought strongly to recommend that the fostering care of the nation be extended to the naval establishment. It is far, very far from your committee, to extend their views of a navy to the mad and wicked prospect of foreign conquest, or a silly contest to be mistress of the ocean. Their view is limitted to their own defence, and to enforce respect to their just rights. To the objection that it is the nature of man to run into extremes, they answer, that it is the end, not the beginning, we should guard against. It is surely yielding much of the argument to surrender all of the subject that is good, and require submission to evil that good may come thereof. Rather separate the wheat from the chaff, show the good and the bad. Let it be impressed on every citizen, that to use force to protect and maintain the rights and liberties of his country was his first duty; whilst it is the greatest of crimes to attack with force the rights of others.

It can require no subtlety to enforce the distinction between defence and offence. Neither can it require argument to prove, that the first ought not to be abandoned as being more than life's worth; though the other may be deprecated as the consummation of wickedness. Limitted to the view, of defence and protection, the committee directed their chairman to ask leave of the house to report a bill to increase the navy of the United States.

ACCOMPANYING DOCUMENTS.

Navy Department, 13*th Nov.* 1812.

Sir—I have the honor of transmitting herewith, for the information of the committee of the house of representatives, of which you are the chairman, certain papers marked A. B. C. and D.

From the paper A. it appears that a 76 gun ship mounting 86 guns, discharges in one round 3176 lbs. of cannon ball; that a 44 gun frigate mounting 54 guns, discharges in one round 1488 lbs. of cannon ball; that a 76 discharges at one broadside 1588 lbs. and that a 44 gun frigate, discharges at one broadside 744 lbs. of ball. The question then arises, what is the intrinsic relative force of a 76 and a 44!

Suppose two 44 gun frigates should be brought into combat with a 76, one on the larboard, the other on the starboard quarter; each frigate presenting a broadside of 744 lbs. of ball, will have to contend against a battery of 1588 lbs. As 744 lbs. is to 1588 lbs. so would be the relative metal of a 76 and two large 44 gun frigates; difference against the frigates 844 lbs. weight of metal. It is obvious then, that two 44 gun frigates could not contend with a 76, with the least probability of success.

Suppose a third frigate, attacking alternately on

the starboard and larboard quarter, should join in the combat, while two of the frigates should be operating on one quarter, with a difference in weight of metal against them of 100 lbs. the third frigate would be contending on the other, with a difference against her of 844 lbs.

It might be observed that the frigates would all attack on one quarter and then with 2232 lbs. of metal, they would have to contend with only 1588 lbs. having a difference in their favor of 644 lbs. In reply it may be observed, that three frigates could not take such a position, on any one quarter, as would enable them to bring all their broadsides to bear at once upon an object moving through the water with as much celerity as themselves—moreover a frigate would always avoid the broadside of a 76—for one well directed broadside from a 76 at close shot, would inevitably blow her out of the water. Witness the Randolph with the Yarmouth. Frigates would attack in various directions, change their positions frequently, and avoid the tremendous battery of a 76 as much as possible.

Besides, a 76 is built of heavier timber, is intrinsically much stronger than a frigate, in all her works, and can sustain battering much longer and with less injury. A shot which would sink a frigate, might be received by a 76, with but little injury—it might pass between wind and water through a frigate, when it would stick in the frame of a 76.

All things considered, it must be admitted that one 76 gun ship mounting 86, is *equal* in combat to three frigates mounting 162 guns. Admitting this equality, other questions present themselves for consideration—and

1st. What is the relative expense of building and equipping these vessels?

2d. What is the relative numbers of their crews?

3d. What is the relative annual expense in actual service?

To ascertain the expence of building and equipping a frigate, we will take the actual cost of one of our largest, viz. the President, which was $220,910; a frigate would then cost $220,910

The cost of a 76 cannot be so easily ascertained;—however, from the papers B. and C. we may, I think, estimate the expense of building and equipping a 76 at not exceeding 333,000

The construction then of a force in frigates, equal in combat to a 76 gun ship, would cost 662,730

Making in this view a difference in favor of the 76 of 329,730

As then $333,000 is to $662,730 so would be the relative expense of building and equipping a 76, and a force in frigates equal to a 76, making a difference in favor of the 76 of 329,730

By the paper A. it appears that a 76 requires to man her 650 men, and that a 44 requires 420. To man three 44 gun frigates, or a force in frigates equal to a 76, would then require 1260 men; and in this respect we find a difference in favor of the 76 of 610 men; that is, 650 men on board of a 76 can direct as much force as 1260 can on board of three frigates.

As to the relative expence, we have heretofore estimated the annual cost of a frigate of 44 guns, at $110,000; and from the best information we can obtain upon the subject, the annual expence of a 76 will not exceed $202,110

The annual expence then of three frigates, or a force in frigates equal to a 76, would be $330,000; while a 76 would not cost exceeding 202,110; making, in this respect, a difference in favor of the 76 of $127,890 annually.

In examining the relative strength of frigates and ships of war and gun-boats, we shall find similar results in favor of the larger class of vessels.

Hence if the only object in view was to employ the greatest intrinsic naval force, at the least expence, I should think there would be no difficulty in deciding that we ought to have none but ships of the greatest magnitude. But in providing a naval armament there are other considerations of the highest importance. We should inquire what kind of force will, most probably, be brought against us; with what description of force can we meet the enemy, with the greatest probability of success, and afford the most effectual protection to our commerce; and upon these highly interesting points, I will take the liberty of submitting a very valuable communication (D.) received from Charles Stewart, esq. a captain in the navy of the United States—an officer of great observation, distinguished talents, and very extensive professional experience—observing, that I believe all the most enlightened officers in our service concur in the opinions he has expressed.

I have the honor to be, with great respect, sir, your most obedient servant, PAUL HAMILTON.

The hon. Burwell Basset,
Chairman of the Naval Committee,
of the House of Representatives.

(A.) STATEMENT shewing the number and description of guns mounted on vessels of different classes, the weight of ball in a round in each, the weight of a broadside, the number of men required for each, the annual expence in actual service of each, the annual expence computed by the gun, by each man, by the weight of metal, and the relative power of each man in each description of vessels, computed in weight of metal.

Rate of ships.	Number of 68 pound carronades.	Number of 42 pound long cannon on the lower gun deck.	Number of 24 pound long cannon on the upper deck.	Number of 42 pound carronades on the quarter deck.	Number of 32 pound carronades on the main deck or quarter deck.	Number of 42 pound carronades on the forecastle.	Number of 32 pound carronades on the forecastle.	Number of 9 pound long cannon.	Whole number of carriage guns.	Number of guns in a broadside.	Weight of ball in a round.	Weight of ball in a broadside.	Number of men, ...	Whole annual expence in actual service.	Annual expence per gun.	Annual expence per man.	Annual expence per each pound of metal.	Power of each man computed in weight of metal.
guns.														D.	D.	D. cts.	D. cts.	lbs. oz.
ship of 76	4	30	26	16		8			86	43	3176	1588	650	202,110	2,350	310 9	63 63	4 14
44			30		16		8		54	27	1488	744	420	110,000	2,037	261 90	73 92	3 8
16					18			2	20	10	594	297	130	50,202	2,52[illegible]	463	84 51	4 8
Gun-boat.			1						1		24		36	12,500	12,500	347	520 83	10 1-2

(B.)

Estimate of the expense of building and equipping a seventy-four gun ship of sixteen hundred and twenty tons, prepared some years since by Joshua Humphreys, esquire, of Philadelphia, a shipright of great respectability and professional talents.

Live oak timber,	$ 40,000
White oak and pine do.	50,000
Labor,	85,100
Cables, rigging, &c.	32,400
Smith's work,	30,400
Anchors, marling,	8,700
Sailmaker's bills, two suits, including canvas,	16,200
Joiner's bill, including stuff,	7,800
Carver's bill,	1,620
Tanner's ditto,	700
Rigger's ditto,	2,240
Painter's ditto,	3,240
Cooper's ditto,	4,860
Blockmaker's ditto,	3,240
Boatbuilder's ditto,	1,620
Plumber's ditto,	2,430
Ship chandlery,	9,720
Turner's bill,	1,215
Copper bolts,	10,960
Sheathing copper, nails, &c.	17,440
Woolens for sheathing,	1,215
	311,100
Contingencies,	31,600
	*$ 342,700

(C.)

Estimate of the expense of building and equipping a 76 gun ship, from the actual expence of building and equipping the frigate President.

The President, of 1,444 tons, cost $220,910, say, per ton $153—a 76 would ton 1,620—1,620 tons, at $153	$247,860
Add for additional guns and gun carriages	13,599
Additional cubic feet of timber in the frame about 4,000 feet, at $1 25	5,000
For additional weight of rigging, anchors, and other materials, add 10 per cent.; on the cost of the tonnage, $247,860, at 10 per cent.	24,785
	$296,245
[Say	$300,000

*Notes by an experienced gentleman.

"Labor,"—This item was calculated at a time when ship carpenter's wages were two dollars and fifty cents per day; they can now be obtained at two dollars.

"Cables and rigging."—When the above estimate was made the price was sixteen dollars; they can now be obtained at fifteen dollars.

"Carver's bill."—Expensive carving on the head and stern is abolished—one thousand dollars may be deducted from this item.

"Rigger's bill."—We employ seamen at twelve dollars per month: this item may be considerably reduced.

"Painter's bill."—The present practice of painting our ships of war differs so much from that first adopted, both in point of labor and colors, that one third of this item may be safely deducted.

"Woolen for sheathing."—Now exploded: experience having established the fact, that it occasions an absorption and retention of salt water, which corrodes the copper inside, &c. nor could the copper be laid on so smooth as without it.

"Contingencies."—At the time the above estimate was made we had no yards, of course wharfage or rent of yard was then included, and we do not now, as then, give such quantities of rum to laborers; this item may be reduced one half.

(TO BE CONTINUED.)

British Order in Council.

His royal highness the Prince Regent in Council.

WHEREAS, in consequence of information having been received of a declaration of war by the United States of America against his majesty, and of the issue of letters of marque and reprisal by the said government against his majesty and his subjects, an order in council, bearing date the 31st of July, was issued, directing that American ships and goods should be brought in and detained till further orders; and whereas his royal highness the prince regent acting in the name and on the behalf of his majesty, forbore at that time to direct letters of marque and reprisal to be issued against the ships, goods and citizens of the said United States of America, under the expectation that the said government would, upon the notification of the order in council of the 22d of June last, forthwith recal and annul the said declaration of war against his majesty, and also annul the said letters of marque and reprisal.

And whereas the said government of the United States of America, upon due notification to them of the said orders in council of the 23d of June last, did not think fit to recal the said declaration of war and letters of marque and reprisal, but have proceeded to condemn and persisted in condemning the ships and property of his majesty's subjects, as prize of war, and have refused to ratify a suspension of arms agreed upon between lieutenant-general sir George Prevost, his majesty's governor-general of Canada, and gen. Dearborn, commanding the American forces in the Northern provinces of the United States, and have directed hostilities to be recommenced in that quarter.

His royal highness the prince regent, acting in the name and on the behalf of his majesty and with the advice of his majesty's privy council, is hereby pleased to order, and it is hereby ordered, that general reprisals be granted against the ships, goods and citizens of the United States of America, and others inhabiting within the territories thereof (save and except any vessels to which his majesty's licence has been granted, or which have been directed to be released from the embargo, and have not terminated the original voyage on which they were detained and released, &c.)

His royal highness the prince regent is nevertheless pleased hereby to declare in the name and on the behalf of his majesty, that nothing in this order contained shall be understood to recal or affect the declaration which his majesty's naval commander on the American station has been authorised to make to the government of the United States of America—namely, that his royal highness, animated by a sincere desire to arrest the calamities of war, has authorised the said commander to sign a convention, recalling and annulling from a day to be named, all hostile orders issued by the respective governments with a view of restoring without delay the relations of amity and commerce between his majesty and the United States of America.

From the court at Carlton-house, the 13th of October, 1812.

Signed, *Castlereagh, Liverpool, &c.*

Documents accompanying the annual Treasury Report.

An estimate of the principal redeemed of the debt of the U. States, from the 1st Oct. 1811, *to the 30th Sept* 1812, *and also from the 1st April,* 1801, *to the 30th. Sept* 1812.

		Redemption from 1st October, 1811, to the 30th Sept. 1812.	Redemption fr. 1st April, 1801, to 30th Sept. 1811, per the secretary's report of the 25th Nov. 1811.	Total principal redeemed, from the 1st April, 1801, to 30th September, 1812.
The amount of warrants issued on the treasurer of the U. States, on account of the interest of the domestic debt, and of the reimbursement of the old 6 per cent. and deferred stocks, from the 1st Oct. 1811, to the 30th Sept. 1812, exclusive of a repayment of $24,927 30, and of the reimbursement of part of the converted stock, and the purchase of Louisiana 6 per cent. as stated below, was	$3,210,418 28			
Deduct interest, which accrued during the same period, calculated quarter-yearly	1,686,821, 89			
Reimbursement of the old 6 per cent. and deferred stocks		1,523,596 39	13,312,846 57	14,836,442 96
Do. of the navy 6 per cent. stock			711,700	711,700
Do. of the five and a half per cent. stock			1,847,500	1,847,500
Do. of the four and a half per cent. stock			176,000	176,000
Do. and purchase of eight per cent. stock			6,359,600	6,359,600
Do. do. of exchanged 6 per cent. stock			6,293,351 12	6,293,351 12
Do. of converted 6 per cent. stock		1,294,452 29		1,294,452 29
Purchase of Louisiana 6 p. cent. stock (cost $116,761 17)		118,500		118,500
Payments for lands, in certificates of the debt of the U. S.			268,240 70	268,240 70
Do. to foreign officers, and for certain parts of the domestic debt		1,917 31	90,092 58	92,009 89
Do. on account of domestic loans			3,440,000	3,440,000
Reimbursement of the foreign debt			10,075,004	10,075,004
		(a)2,938,465 99	42,574,334 97	(b)45,512,800 96

(a) There was received on loan from 1st October, 1811, to 30th September, 1812 . . $5,847,212 50
From which deducting the principal redeemed 2,938,465 99

Leaves for the actual increase of debt during that period 2,978,745 51

(b) To this sum of 45,512,800 96
must be added
Difference between the nominal amount of 3 per cent. stock extinguished, and that of converted stock, issued under the act of 11th February, 1807 $1,001,458 45
Difference between the nominal amount of 6 per cent. and deferred stocks, are here stated, and the amount actually reimbursed, as per accounts settled at the treasury, arising from unclaimed dividends and arrears of interest 324,274 91
1,325,733 36
From which deduct reimbursement on stock, paid in for land, prior to the 30th September, 1805. . . . . 4,229 90
1,321,503 46

True amount reimbursed, from 1st April, 1801, to 30th September, 1812 . $46,834,304 42

STATEMENT of the amount of monies obtained on loans by the U. States, during the year 1812, *so far as ascertained at the Treasury on the first of December,* 1812.

PLACES.	For stock bearing an interest of 6 p. cent.	By special contract at 6 p. cent. interest.	For treasury notes.	Total.
Portsmouth, New-Hampshire . .	17,600			17,600
Portland, Maine		50,000		50,000
Boston and Salem, Massachusetts .	744,100	1,000,000	400,000	2,144,100
Providence, Rhode-Island . . .	94,200			94,200
Hartford, Connecticut	6,200			6,200
New-York	1,733,000		1,600,000	3,333,000
Philadelphia	2,502,300	400,000	1,295,000	4,197,300
Baltimore	1,117,700	200,000	90,000	1,407,700
Washington	498,600	100,000	150,000	748,600
Richmond, Virginia	326,100	250,000		576,100
Charleston, S. Carolina	375,400	150,000		525,400
	$7,415,200	2,150,000	3,535,000	13,100,200

Of the above sum there was loaned by individuals $3,970,200
by banks 9,130,000
$13,100,20

Statement of receipts and payments at the Treasury of the U. S. from 1st Oct. 1811, to 30th Sept. 1812.

Cash in the treasury, subject to warrant, October, 1811		3,947,818 36
Received for the proceeds of the		
Customs	9,907,990 80	
Arrears of internal revenues and direct tax	7,066 07	
Sales of public lands	822,599 64	
Cents and half cents coined at the mint	7,975 95	
Fees on patents	6,99 00	
Public arms sold to states	29,434 50	
Public property sold	1,119 51	
Postage of letters	85,000 00	
Salt works in the Illinois territory	7,910 25	
Fines, penalties and forfeitures	80 95	
Consular receipts under the act of Apr. 14, 1792	1,161 14	
Treasurer's drafts lost or destroyed	52 50	
Repayments	57,565 59	
	10,934,946 90	
Loan	5,847,212 50	
		16,782,159 40
		$20,729,977 76

Payment on the following accounts, viz.

CIVIL EXPENCES, BOTH FOREIGN AND DOMESTIC, VIZ.

Civil list proper		816,655 13
Light house establishment		131,420 4
Grants and miscellaneous claims		22,073 58
Marine hospital establishment		56,062 6
Mint establishment		15,206 22
Public buildings in Washington		14,000
Furniture for the President's house		300
Military pensions		94,358 44
Unclaimed merchandise		280 2
Purchase of books for congress		1,000
Third census		68,799 11
Consular receipts, under act of April 14, 1792		1,161 14
Prize money for the navy pension fund		478
Relief of the citizens of Venezuela		47,840 73
Survey of the coast of the United States		13,308 68
Better accommodation of the General Post-Office, &c.		11,853 91
Prisoners of war		5,000
Trading houses with the Indians		16,870
Road from Cumberland to the Ohio	38,020 75	
Roads within the state of Ohio	20,000	
Do. under treaty of Brownstown	445 50	
		58,466 25
Surveys of public lands	17,264 19	
Ascertaining land titles in Louisiana	9,101 48	
		26,365 67
Intercourse with foreign nations, Barbary treaties, seamen	364,039 21	
Contingent expences of intercourse with foreign nations	42,538 30	
American claims assumed by the Louisiana convention	4,992 86	
		411,570 37

Military expences, viz.

Military department, fortifications, ordnance, militia, volunteers	7,770,300	
Indian department	230,975	
		8,001,275
Total brought up		9,824,344 3

Naval expences, viz.

Naval department, marine corps, navy yards		3,107,501 54

Public debt, viz.

Interest and charges	2,498,013 19	
Reimbursement of principal	2,938,465 99	
		5,436,479 18
Balance in the treasury, subject to warrant, September 30, 1812		2,361,652 69
		$20,729,977 76

Pennsylvania Legislature.

MR. GEMMIL'S *Resolutions, on the subject of the War, &c. read in the Senate of Pennsylvania, December 5th.*

Viewing the present state of our foreign relations, we with astonishment and regret, behold the emperor of the French withholding from our country, those indemnifications which ought to have been rendered with liberality and promptness.

After the *injustice* of Great Britain, had, by long continued practice, acquired the name of *right;* after the forbearance and negociating practice of the American government had assumed the appearance and incurred the name of *cowardice:*—War is reluctantly, unavoidably but decisively declared.

With condecension unexampled—with a love of peace which cannot be exceeded, except by that Divine fountain from which it proceeds, the president of the United States, in the same dispatch announces to the British government the existence of war, and the equitable, easy, and honorable means by which its progress might be arrested, and its calamities permanently prevented.

But this extraordniary proof of a humane and pacific disposition is treated with contempt. Familarized to the slaughter of man around our globe, his Britannic majesty prefers the effusion of human blood, before the suspension of the grossly immoral practice of impressment, even during the short space of an armistice agreed on for the purpose of negociating a just and honorable peace; nay, before a simultaneous relinquishment of that practice, and an exclusion by the American government, of British seamen from our navy.

But what atrocities are too enormous to be found in that government, whose characteristic features are cruelty and perfidy; which stimulates the savage to drench his tomahawk and scalping knife, in the blood of our frontier men, women and infants; which, making the most solemn professions of friendship and peace, strives, by the malignant breath of its secret emissaries to kindle in our nation dissatisfaction, discord, rebellion, and civil war, with all its sanguinary and horrible consequences! Thus is extinguished, in the American government, and in every American bosom, the last hope of finding in the conduct of G. Britain towards the United States, a single voluntary act of justice or humanity.

Impressed with these considerations, and with others of a collateral and subordinate nature: *We the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met,* do adopt the following resolutions:

1st. Resolved, that the declaration of war against the United kingdom of Great Britain and Ireland, issued by the general government, on the 18th of June last, is the result of solemn deliberation, sound wisdom and imperious necessity.

2d. Resolved, That the sword being drawn, should never be sheathed till our wrongs are redressed, our commerce unfettered, and our citizens freed from the danger of British impressment, of imprisonment in the floating dungeons of the British navy, painful necessity of fighting the battles of a detested enemy, against their fathers, their brethren, their native country, and their friends.

3d. Resolved, that to exert all the energies of his body, of his mind, and of his property, to bring the existing war to a speedy, just and honorable issue, and to teach our insolent foe, that the Americans are as free from timidity and weakness in battle, as from *covert* and *disguise* in negociation, is a duty which every citizen of the Union owes to himself, to his country, and to his God.

4th. Resolved, that true liberty of speech and of the press, should remain unimpaired—the laws on treason should be immediately and carefully revised, and treasonable words and acts, be more minutely and intelligibly defined.

5th. Resolved, That with painful regret we contemplate the refusal, by the executive authorities of two states in the union to furnish, on the president's demand, their quota of militia for the defence of the sea coast; and that whatever measures the wisdom of the national legislature may adopt on this lamentable subject, shall meet our concurrence and receive our support.

6th. Resolved, That the promptness, the zeal, and the wisdom, with which the governor of this commonwealth has executed the orders of the president, since the commencement of hostilities, entitle him to the gratitude of this general assembly, of Pennsylvania, and of the nation.

7th. Resolved, That to attain and defend our rights against England and France, or against any aggressing power upon earth, we we will rally and fight, and conquer or die, under the banner of that Omnipotent God, who, enlightening the councils and invigorating the armies of the revolutionary war, conducted our arms to victory, to independence, to happiness, to glory.

8th. Resolved, That the governor of this commonwealth be instructed to transmit a copy of these resolutions to the president of the United States, with a request that he communicate them to congress.

Legislature of Virginia.

GOVERNOR'S MESSAGE.

COUNCIL-CHAMBER, *Nov.* 30, 1812.

To the Senate and House of Delegates,

It would have been to me, fellow-citizens, a source of great pleasure, could I have communicated to you, that since your last session the two great contending powers of Europe, sensible of their injustice towards us, had at last abandoned their offensive measures, and made honorable reparation for the insults and injuries they had so long, and so wantonly inflicted upon the United States.

It is painful, on the contrary, to be obliged to state, that the conduct of these powers has been essentially otherwise.

Whilst France was wantonly committing the most lawless and unprincipled outrages, she was nevertheless making strong professions of friendship. This induced a hope on the part of the general government that by remonstrance, and negociation, it might be possible to avoid a resort to the last extremity against that power. Great Britain, on the other hand, as little restrained by considerations of justice, and availing herself of her naval superiority, continued not only her acts of violence by which our commerce was harrassed on every ocean, but added injuries peculiar to herself, and boldly proclaimed her unalterable determination to persevere in her iniquitous course.

Although it would be as painful as humiliating to recapitulate, in detail, the wrongs which this power for a series of years has done us, yet a rapid review of the most important incidents, during that time, may not be without its use, as it will present a volume of evidence, demonstrating to the world the order with which America has cherished peace, her patience and long suffering under injustice and oppression, and the imperious necessity which finally compelled her to assume a hostile attitude.

At the commencement of the war so afflicting to humanity and which has so long desolated Europe, America, just recovered from the convulsive throes of her own revolution, and at peace with the world, was reposing under the benign influence of a government founded upon the rights, and having for its object the happiness of man, administered by the genius of a Washington, whose illustrious virtues, by the unanimous consent of the nation, had obtained for him the most honorable of all titles, that of father of his country. Under such auspicious circumstances, she was marching with rapid strides to the fulfilment of her high destinies.——This prosperous career could be arrested only by the interruption of her peace. Its preservation, therefore, as consonant to her inclinations as to her interest, became the object of unceasing solicitude. And that nothing might be attributed to her, which should justify the belligerent powers, in disturbing the peaceful attitude she had determined to preserve, she invariably maintained towards each an impartial neutrality; she discharged with the most scrupulous fidelity every obligation imposed by justice, performed with cheerfulness every act of kindness, dictated by friendship, and took no farther interest in the troubled scenes of Europe, than to weep over the folly and wickedness which kept alive a war, every where marked with unusual carnage and desolation.

With such dispositions and such conduct, she might well have hoped that her rights would have been respected and her peace undisturbed. How far this just expectation has been realized, let the long and bloody roll of acts of injustice and violence, perpetrated by Great Britain, answer.

She had scarcely become a party to the war, when, with the avowed and wicked purpose of starving thirty millions of people, she directed her cruizers, in contempt of the laws of nations, to seize, and bring into her ports every American vessel, bound to France with provisions, and not content with this offensive measure herself, she solicited her allies to co-operate with her, and actually bound them by treaties to follow her example. She next interdicted our *direct* trade between the colonies of her enemy and the mother country—*then* she would not permit that trade by the *circuitous* route—an aggression which (independent of its intrinsic enormity) was characterised by *perfidy*, inasmuch as, by the solemn decisions of her own courts, that trade had been pronounced legitimate. Our citizens, confiding in this pledge, covered the ocean with their vessels:—When, to the indignant amazement of Americans, by an *ex post facto* regulation, British cruisers were let loose upon their property, to the ruin of the owners. Her new and unwarrantable system of blockade, interdicted our intercourse with whole countries:—She caused her vessels of war to hover around our coasts—infest our harbors, insult our sovereignty, and murder our citizens. She caused thousands of our native born seamen to be impressed on the high seas, and torn from their homes, their families and their country:—finally, by her orders in council, she insolently assumed the power of regulating our commerce, thereby reducing us, if submission, on our part, had followed, to a state of colonial vassalage.

America, amidst these outrages, continued to give new proofs of her pacific disposition, and actually retired from the ocean; thereby abandoning for a time, one of the essential prerogatives of sovereign power; a measure accompanied with a sacrifice, for extent and duration, without a parallel.

It will ever be remembered, for it forms an important epoch in our transactions with Great Britain, with what eagerness, upon the first appearance of an amicable disposion on the part of that power, the American government seized the opportunity to renew by an arrangement with her representative here, our friendly relations:—With what forbearance it cast the mantle of oblivion over the wrongs we had suffered—and although millions of our property, lawlessly plundered by Great Britain, were unrestored—although thousands of our seamen were in captivity, and her hands were reeking with the unattoned-for blood of our citizens, yet we generously forgave all, and extended to her the hand of friendship.

Had Great Britain cherished a disposition for peace, there was nothing to which *she* could object in this arrangement. Yet she thought proper to disavow it, to recall the agent who made it, upon the pretended ground of having exceeded his instructions, and to appoint a successor whose character was every way suited to the unfriendly designs she harbored against us; remonstrance and an interdiction of commercial intercourse were the only measures to which America recurred, upon an occasion which would have justified a resort to extremities.

France at length announced her determination to rescind her iniquitous decrees. The American government again pressed Great Britain, in compliance with her uniform promises, to follow the example set by her rival, and hopes were entertained that she would yield to her interest, what had been refused to justice.—Whilst the American government was indulging this expectation, and cherishing the prospect that peace might yet be preserved; the prince regent by his proclamation of the 21st of April, announced the fixed purpose of his government to persevere in the offensive course it had so long pursued, unless France should rescind entirely (not only as it regarded America, but *all nations)* her illegal decrees—a subject in which *we* had no essential concern. About this time, satisfactory evidence was obtained of a project, planned by Great Britain, of endeavoring to affect, by a secret agent, the dismemberment of these states, through all the horrors of a civil war: a scheme, to the intrinsic darkness of which were added deeper shades of guilt, from the circumstances of its being carried on at the very moment, when through her accredited agent here, she was indulging in the most amicable professions. The measure of her outrages being thus filled, and that of our patience exhausted, the unpleasant alternatives, of an appeal to arms, or a base surrender of our rights, were presented to the constituted authorities of the United States. With a courage becoming the representatives of a free people, they weighed the preservation of our rights, our honor, and our character, against the privations and hazards of war

and accepted it as an equivalent. Accordingly, on the 18th of June 1812, war was formally declared against Great Britain and her dependencies. The determination produced a crisis in our affairs of the utmost importance. For, to the weighty considerations inseparably incident to a state of war with so powerful a nation, there was to be added one of peculiar and high interest, which by its irresistible tendency, was calculated to excite the solicitude of every lover of his country. The constitution of the United States (with whose successful progress is indissolubly connected, not only the happiness of America, but of afflicted man, in every region of the earth) was for the first time, to be put upon trial as to its capacity for war, and should it survive the fiery ordeal, unhurt, it might, under Providence, challenge immortality. When, then, the representatives of the people of United America, in congress assembled, (who are destined, in common with us all, to participate in whatever doom may await us) had, driven by an unjust and imperious nation, resolved to commit our cause to the God of battles—when, too, the illustrious chief, who now presides in our councils, and whose life has been devoted to the service of his country, had given his sanction to this solemn appeal; and when the fate of unborn millions was connected with its successful issue, it was reasonably to have been hoped (whatever diversity of opinion might have existed, or whatever might have been the violence of contending parties) that every patriot would have sacrificed upon the altar of his country, all minor considerations, and that the American people, animated by one sentiment, would by an union of councils and efforts, have prosecuted the war with vigor, to extort from their common enemy an honorable peace.

It is a source of painful regret, that this hope of union, should, even in a partial degree, have been disappointed; or that there should have been any class of citizens so far influenced by delusion, prejudice or faction, as to ascribe the war to any other motives, than anxiety to avenge the wounded honor, and preserve, unimpaired, the essential rights of United America. This regret, however, is lessoned by the reflection that the people of the United States, in an appeal recently made to them, through their congressional elections, have, by a large majority, manifested a determination to support their government in the course adopted, and to encounter without a murmur (the inconveniencies of war, waged for the protection of whatever is dear to freemen. And it is a source of price and congratulation that this holy zeal in our country's cause, is manifested no where more strongly than among the good people of this commonwealth. Is it too sanguine to hope that, even yet, this cordial support of our government may become *universal*;—that the spirit of our fathers, which, during the revolutionary contest, united *them* as a band of brothers, may at length animate their sons; and that America may be enabled to put forth her *whole* strength against her enemy? If any thing could hasten an event so desirable, it must be the moderation, and solicitude for peace, continually manifested by the American government; a new evidence of which has been recently published in its correspondence with the government of Great Britain, which took place since the declaration of war. At the moment of that declaration, with a magnanimity rarely equalled, it frankly disclosed to the enemy, the terms upon which peace might be restored, viz: The unconditional repeal of the orders in council (which, about the same time, had, without the knowledge of the government of the United States, been conditionally suspended) and a relinquishment of the practice of impressing our seamen. These friendly overtures have been contemptuously rejected; may it not be asked, with confidence, whether there is a single *patriot* in America (by whatever distinction of party he is known) that would be willing to abandon the present contest, until, at least, Great Britain shall have agreed to abstain from a practice, so offensive to our feelings, and so hostile to our independence?

It now becomes important to return from the long digression, into which I have been betrayed by the interesting considerations involved in the subject, to the particular part connected therewith, which has been performed by the executive of this commonwealth, during the recess of the legislature.

Placed, by the partiality of my country, in a highly responsible trust, and greatly anxious that nothing should be wanting on my part, I kept an attentive eye upon the progress of events, and believing that measures were tending to the catastrophe which ultimately occurred, I, so early as March last, addressed a circular letter to the lieutenant colonel commandants of regiments, exhorting them to a vigilant discharge of their duty, pointing out the necessity of being prepared for the event, and particularly, inviting their attention to the condition of the public arms. A copy of this letter will be found in the packet A. No. 1.

Availing myself of the discretion given by law, and with the advice of council, I caused moreover, the militia of certain counties, whose situation was the most exposed, to be armed entire, with a deduction of 20 per cent. for non-effectives. I ordered a large portion of the monited ordinance to be distributed in the same section of country, also, munitions of war to be deposited in the most vulnerable parts, so that, at the approach of danger, the whole country (being prepared) might by a simultaneous movement, unite its forces to repel invasion.

I received on the 18th April, a letter from the secretary at war, (under date of the 15th) signifying the wish of the president of the United States, that I should immediately place in requisition Virginia's quota of militia, (being 12,000) in conformity with a law of congress, passed April 10th, 1812. a copy of which is in the same packet marked 2. By this it will be seen that a discretion was given the executive of detaching riflemen, equal to one-tenth part of the requisition. That alternative was embraced, and, as the western part of the state abounded in good marksmen, I thought it favorable to the service, to detach the greater part of that description of force from that quarter, and the foot of the mountains on this side; of course, relieving the *infantry* of the line, in the same ratio in which the riflemen were detached, and thereby preserving the most entire equality to every part of the state.—My general orders, issued in pursuance of the request of the president of the United States, are also transmitted, marked No. 3, by which it will be seen, that an appeal was made to the courage and patriotism of our fellow-soldiers, who were invited by a voluntary tender of their services to supercede the necessity of a draft. It is a source of pride to reflect that this appeal was not made in vain; in some parts of the state, more came forward than were called for, in others *whole regiments* made a tender of their services. Anxious to preserve an example of patriotism, so honorable to those who furnished it, and so worthy of imitation by all, I directed the brigadier-generals to report the name of each citizen, who had so acted, that he might be presented to the representatives of the people, to receive at their hands that meed of approbation to which he is so justly entitled.

I wrote a letter to the secretary at war under date of April 17th, concerning the measures necessary to be adopted for the defence of this state, which will be found among the accompanying documents, marked No. 4. His answer is transmitted, marked No. 5. Believing, from the character of our enemy, that the eastern frontier was the only vulnerable point of this state, I deemed it correct to repair to Norfolk and its vicinity in person, for the purpose of learning whatever might be essential to its defence. Their sum of my observations I transmitted to the secretary at war, by letter No. 6.

On the 22d of June I received a letter from the secretary of state, covering the act of congress, declaring war against Great Britain, Ireland and their dependencies, and thought proper to transmit copies thereof with a circular letter, to the commandants of regiments; a copy of which correspondence is marked No. 7. On the 21st of July I received a letter from the secretary at war, communicating the request of the president of the United States to place 600 of the militia, before detached, in immediate requisition for the defence of Norfolk in conjunction with the regular force stationed there. In making the selection I resolved to leave the physical force of the country most liable to invasion, undiminished; and at the same time, if possible, to select the troops from a portion of the state whose climate and general character, corresponded with the country they were about to occupy, and thereby obviate the alarms which by some were felt, as to the unhealthiness of the situation. These objects, it is believed, were attained in the course pursued, except with respect to the company of Artillery from Bedford. This, however had *volunteered* its service (a kind of force always preferred) and was the nearest to the scene of action, with the exception of those companies residing along the shores of our large navigable rivers, which, for the reason before stated, I had determined not to call from their homes.—Although, under the rule I had prescribed to myself (the propriety of which is submitted to the legislature) I could not have done otherwise than call upon this company, yet there is ample cause of regret in the loss of seven of that company. And I sincerely sympathize with their surviving relations, who no doubt will experience, where it is wanting, the liberality of their country.

My general orders relative to the above requisition, are transmitted, marked No. 8, to which it is my duty to call your particular attention. You will discover, by reference thereto, that I directed colonel Lucas, having the command of the detachment, to report himself to colonel Freeman, an officer of the United States, commandant of the post, and to be obedient to his orders. The importance of this order arises from certain measures which have been pursued in another quarter of the union, where a similar request on the part of the president, was refused.

I shall not indulge, fellow citizens, in any glowing professions of zeal and ardor in the cause of *state* rights, but will only remark, I could possibly have no motive to abandon them. It became my duty maturely to weigh the propriety of complying with the request and fearlessly to pursue the course which my best judgment recommended. In deliberating upon this subject, I did not lose sight of the constitutional objections which had been urged against the measure; but, after the most mature investigation which I was able to make, they appeared to me to be without foundation, and in no degree warranted by a just interpretation of the laws or constitution of the United States. That instrument has most wisely in my opinion, placed the whole physical force of the nation under the control of the national authority, by providing, among other regulations concerning the militia, that the president shall be commander in chief of the militia of the several states, when called into the actual service of the United States. The occasion which will justify their being called out, or the manner in which they shall be employed, must of necessity be determined by the *general government*. That unity of design and indivisibility of command, are essential to success in military operations, is an apothegm as just as it is trite, and if instead of an influence which shall pervade, embody and direct the force of the nation by a comprehensive system, it is to be broken up into as many fragments as there are states, and to be directed by as many different authorities; it requires not the aid of prophecy to foretell that these fragments may successively become the victims of foreign force, which, if resisted by a combined effort, would be dissipated as chaff before the wind. The security of the *states* is found in the salutary provision of the constitution, which gives to *them* the appointment of the officers of the militia, and in the integrity, which the theory of the government supposes, will always be found in the chief magistrate; whose sovereign control of the entire force of the nation, (if directed by prudent and honest views) cannot but be productive of good consequences; but from whom there is nothing to apprehend, should he attempt to turn the arms intended for the defence of the state against itself, or against any particular member thereof; inasmuch, as the patriotism and state attachments of the militia officers (who, from their very organization, will be always above corruption) would prompt them to frown into contempt so flagitious a design.

If it be admitted that the president of the United States, is commander in chief of the militia, when called into actual service, it would seem to follow, as *he* has not the power of ubiquity, and as

they must occasionally be called upon different and widely distant service; and, further, as they must frequently be associated with regulars, that it is perfectly correct that a *federal* officer of superior grade, should take the command as representing the president, lest this dilemma should ensue: that a militia officer of inferior grade, in the absence of the president, should either have the command, or carry on operations distinct from, and independent of the regular force. Reason and usage unite against the latter state of things; and it is believed, that throughout the revolutionary contest, whenever the militia of the states, and the continentals acted together, *grade* always decided the command; and where there was equality, (for the sake of unity of command) the *continental* claimed and enjoyed precedency.

The document marked No. 9, is a letter from the secretary of war, received the 2d September, communicating the request of the president of the United States, that I should cause 1500 of the detached militia immediately to take the field, to rendezvous at some convenient point in this state, with a view ultimately to join the north-western army. No. 10, contains my general orders, issued in pursuance with this request, which, as well as my former orders detaching the 500 militia for the defence of Norfolk, were obeyed with the promptitude honorable to the citizens composing the detachments. The requisition of 1500 militia was made necessary in consequence of the disastrous occurrence at Detroit; which, whilst it exhibited the mortifying spectacle of an American army surrendering without a blow to the forces of Great Britain, laid bare our defenceless frontier to the incursions of our enemy, and their ferocious allies, whose deeds of cruelty were every where manifested by the indiscriminate slaughter of men, women and children. To arrest this horrible warfare, it was necessary that the utmost despatch should be used. As, however, this emergency was entirely unexpected, and considerable pecuniary means were necessary for the equipment of the detachment, we were not without embarrassments.

The contingent fund being fixed upon the peace establishment, was scarcely adequate to meet the ordinary expences of government. The extraordinary expenditures inseparably incident to a state of war, had exhausted it. One of two alternatives was to be embraced; either the convention of the legislature, or an exercise of authority on the part of the executive, upon their own responsibility. The latter was preferred. To have convened the legislature, would have been inconvenient to the members; attended with an expence amounting to a sum beyond what was requisite for the equipment of the detachment: and productive of a delay that would have counteracted the object of the expedition. It is believed that there are occasions when it becomes the duty of the public servant to act upon his own responsibility. This was believed to be one of those occasions; and was therefore yielded to by the executive. The faith of the state was thereupon pledged, (to be redeemed at a distant day) for the materials necessary for the camp equipage.

As dispatch was indispensable, I thought proper to appeal to the patriotism of the citizens of Richmond, and solicited their aid in the making of tents, knapsacks, &c. It is a tribute of gratitude I owe them, and which I cheerfully pay, to make known to you, the representatives of the people, the promptitude with which they complied with my request. Every age, every sex, and every condition seemed animated by one sentiment. Thousands claimed a share of the pious undertaking; and in the course of a few days the whole equipage was completed, and dispatched to the place of rendezvous, designated for the detachment, which has since joined the north western army, under the command of the brave general Harrison, soon, I trust to redeem the wounded honor of our country, and take a just revenge of her perfidious enemies and their savage allies.

Although, after a peace of thirty years, and the inexperience in the art of war, which was its necessary consequence, some discomfitures were to have been expected in the commencement of the conflict, yet those which have happened are greater than can well be accounted for. For we have to add, to the disastrous affair of Detroit, an unsuccessful attempt upon Queenstown. Whilst this effort proved unavailing, and cost us the lives of many brave men, we are somewhat consoled with the reflection, that the American soldiers, actually engaged, *displayed* a valor and prowess *worthy* the descendants of the heroes of the revolution. It is with pleasure I call your attention from these untoward incidents by land, to the signal proofs of courage and skill manifested on the ocean. Many occasions have occurred, but particularly in the capture of the Guerriere, where the conduct of our seamen was eminently calculated to flatter our pride, and a sure pledge we have nothing to fear from our enemy, upon her own element, whenever the forces opposing each other are nearly equal.

I have thus, fellow-citizens, briefly recapitulated the causes which led to the war in which we are engaged. I have recounted the principal events which have occurred during its progress, and disclosed to you the part performed by the executive of this commonwealth.

When to the arduous struggle with Great Britain, the duration of which the pride and injustice of the enemy will (judging from recent appearances) protract, is added the long catalogue of unredressed wrongs against France, for which little hope is now entertained of an honorable reparation by pacific means, and which, in due season should be avenged by the most energetic measures; and when we reflect that a jarring world is in arms, from the rising to the setting sun, the crisis in which we are called to act, assumes a deep interest, appealing to the feelings and calling for the aid, of every one to whom has been confided a share of the public confidence. Although our external relations are very properly confided to the general government, yet from the peculiar structure of our institutions, much may be effected by a hearty co-operation of the state authorities. What course it becomes the powerful state of Virginia to pursue in the present times, I cheerfully submit to the wisdom of her representatives, not doubting that the result of their deliberations will be propitious to the welfare of our beloved country, and will sustain the character she has therefore displayed of a wise liberality, whenever called upon to aid the common cause.

[The remainder of the Speech is chiefly local—and from its great length omitted. The governor recommends many important amendments to the militia laws, and has brought into view many matters of state interest.]

JAMES BARBOUR.

Legislature of Maryland.

The following preamble and resolutions were ordered to be printed by the House of Delegates.

WHEREAS, The president of the United States called upon the executive of this state to furnish his proportion of one hundred thousand militia, by virtue of an act of congress, passed 10th April, 1812; and it appearing to this general assembly, that the said requisition was unaccompanied with either of the exigencies provided by the constitution:—AND WHEREAS, the wise and patriotic framers of our constitution, having for their object the freedom, the happiness and independence of their country, tho't it necessary, in order to preserve this government in its republican form, and secure the blessings of liberty to their posterity, to constitute protecting barriers against an improper or ambitious use of military power:—AND WHEREAS, offensive wars, schemes of foreign conquest, accession of territory, or national aggrandizement, are repugnant to the principles of our free institutions—Therefore,

Resolved, That it was never contemplated by the constitution, when it entrusted to the general government the controul of the militia, in certain emergencies, that it should, by perverted interpretations, at its discretion, use that power in the absence of those emergencies, and that the calling out the militia of this state, by the President of the U. States, by virtue of the act aforesaid, without the existence of such emergency, is an open and dangerous innovation upon our rights and liberties.

Resolved, That the power delegated by the constitution to the general government, to raise and support armies, as well from the nature and form of the government, as from the preamble to the constitution, was intended for the defence and protection of our own territory; and that the invasion of a foreign territory, by armies raised and supported by the general government, and garrisoning our forts with the militia, as a substitute for these armies, is holding them in service longer than any exigency existed, even if any existed at all, and an unwarrantable stretch of power, which must ultimately lead to a consolidation of these United States into a military government, if not timely and vigorously checked and resisted by all lawful and constitutional means.

Resolved, That if the general government, as a part of their policy, prefer the service of the militia to the employment of regular troops, in garrison, or any other military operations, even in the state to which they belong, it is, under the constitution, bound to provide all the means necessary for their support, and that it has no power to burthen the states with any of the expenses incident to such service.

Events of the War.

MILITARY.

It now appears certain that the Northern army has went into winter quarters It returned to Plattsburg on the 23d ult. The 9th, 11th, 21st and 25th regiments, have gone to Burlington—the 6th, 15th and 16th remain at Plattsburg, and are building huts; the light artillery and dragoons have returned to Greenbush, near Albany, with generals *Dearborn*

and *Bloomfield*. The militia, on the frontiers, have been generally disbanded.

We have on file the *British* official account of the surrender of Detroit, &c. Though not of *striking* interest we regret it was not received in time for this number, on account of its length.

On Wednesday last (says the *Ontario Messenger* of the 7th inst.) the enemy commenced a fire from their batteries opposite and above Black Rock, which was spiritedly returned from the battery commanded by lieut. Stevens, consisting of a 24 pounder, from the battery at colonel Swift's encampment, consisting of an 18 and a 24, and from the one at Black Rock ferry. Our guns played so effectually as to dislodge an 18 pounder of the enemy; and a 24 burst and killed several. Lieutenant Stevens poured his balls into Fort Erie so well, that the enemy hoisted a white flag, whether as a sign of surrender or not, we cannot say.

Considerable military activity prevails in Tennessee and in the Mississippi Territory. A body of 600 men from the latter passed St. Francisville on the 11th Nov. for Baton Rouge; and general Jackson from the former is expected to march 1500 men immediately for New Orleans—from a pledge given that these troops will not be continued "in the lower country during the summer," an inference is drawn that some immediate enterprize is designed.

It is understood that brigadier-general *Smyth* explicitly informed certain friendly Indians who applied to him for permission, that they *should not* accompany him to *Canada*. We do trust that the *honor* of employing *savages* in *civilized* war, may exclusively belong to the *religious* government of *Britain*.

Major-general *Brock* was appointed a knight of the Bath for his *victory* at Detroit. The American colors taken there have been exhibited with great triumph in London.

The secretary of state, "according to provision in acts of congress," will, *pro tempore*, perform the duties of secretary at war until a regular appointment is made.

By "general orders" from governor Meigs, dated Chilicothe, Nov. 25, it appears that great exertions are making to facilitate the movements of the North Western army. But we have no important information from it.

Worse and worse. Some gentleman in *Massachusetts* has prescribed a military expedition for the *British*, insinuating that the same has been generally spoken of at *Halifax*, which is to collect 12,000 men at Bermudas during the winter, of whom several regiments are to be of blacks from Jamaica, and invade the Southern states, in the spring. We are much obliged to the *British* at Halifax or the *Massachusetts* gentleman for letting the southern people know the plan so soon!

Extract of a letter to the editor of the Augusta Chronicle from a volunteer in the United States requisition from Georgia, dated at colonel Smith's camp, on the St. Johns, thirty-two miles from Augustine, on the 10th of November.

"The first detachment of two hundred and ten men landed here in perfect health and safety last evening, having halted one night on our way at the village of Fernandino on Amelia Island—the boat that conveyed us here will return immediately to Point-Petre to bring on the remainder of the requisition. Colonel Smith remained at Fernandino, but expected here daily. We are yet ignorant how we all be employed, whether against Augustine or Indians."

Extract of a letter from an officer at Buffaloe, dated Nov. 29, 1812.—You will be pleased to hear that the last before last an expedition was organized under the command of colonel Winder of the 14th regt. to storm the enemy's batteries opposite Black Rock. About 10 boats set out, with a proportion of the seamen on this station, under the command of lieut. Angus. Only five of the boats succeeded in landing the men, they were commanded by captain King late of the 5th regiment, with captain Morgan of the 12th, captain Dox of the 13th, and captain Sprowl, with captain Angus and S. Swartwout, as volunteers. About 50 sailors and sixty regulars were the actual force; and to the astonishment of friends and enemies, they atchieved the most valiant acts of real heroism ever known. All the batteries from Chippaway to Fort Erie were carried—cannon spiked; three officers and about 50 privates taken prisoners, and the whole Canadian frontier, 16 miles distant laid waste and deserted. In this valorous act, the brave captain Watts of the navy, 2d in command, with captain Angus, fell. Captain Angus, of the navy, Samuel Swartwout, his associate volunteer, captains King, Morgan, Sprowl and Dox, with lieut. colonel Boersler, at the head of the 14th, merit the veneration of their country, for their intrepidity and excess of bravery. Seven officers out of the 11 of the navy were wounded. Lieutenant Lisson is badly wounded, but yet not dangerous. Mr. Graham, son of colonel Graham, has his leg broke, but is in good spirits. Mr. Garter, (master) of New-York, has his arm wounded. Messrs. Angus, Swartwout, Sprowl, Morgan and Boersler, are safe.

Captain Dox is slightly wounded, and capt. King, by his zeal to send over prisoners, remained on the other side and was made a prisoner with about ten men. After this the whole force under gen. Smyth, prepared to embark, they manœuvred some time but much to the mortification of all, but particularly to the volunteers, they were ordered to return to their encampments, and to-morrow they again are ordered to be ready to cross. This is a summary of all the news on the frontiers at present.

Major Noon is in command attached to colonel M'Clure, much may be expected from this corps; 300 Pennsylvania and 100 Baltimore volunteers with the rifle corps of New-York and Albany, compose this regiment.

STATE OF NEW-YORK, GENERAL ORDERS.

Head-Quarters, New-York, Nov. 28, 1812.

The uniform troops commanded by lieutenant-colonel *Robert Swartwout*, having faithfully performed their tour of duty on the southern frontier of this state, have been discharged with the flattering encomiums of the commanding general, and have returned into the body of the militia. In justice to the officers and soldiers of that meritorious corps, and to his own feelings, the commander in chief announces his entire approbation of their patriotic conduct and services, and his sincere thanks for their prompt and unanimous compliance with the first call of their country. That promptitude and unanimity, and their correct, orderly and soldier-like deportment, and their assiduous attention to, and extensive improvement in military science, and in all the accomplishments and duties of the patriot soldier, have distinguished them as generous and public spirited defenders of the nation, and entitle them to public applause and gratitude.

By order of the commander in Chief,

WILLIAM PAULDING,
Adjutant-general.

Natchez, Nov. 11.—The detachment of militia from this territory destined for Florida, marched on Tuesday the 3d. from camp near Cantonment Washington, all in good health and spirits.

November 4.—Three companies of fine looking re-

cruits passed through this place yesterday. Two companies of infantry under captains Gray and Armstrong, are destined for St. Louis (upper Louisiana) and one of artillery under captain Philips, will go to fort Massac.

OFFICIAL REPORT.

To Brigadier-General Smyth, Commanding the Army of the Centre.

SIR—I beg leave to inform you that on the morning of the 21st of Nov. at 6 o'clock, a heavy cannonading opened upon this garrison from all the batteries at and in the neighborhood of St.George, which lasted without intermission until after sun-down.—They had five detached batteries, two mounting 24 pounders, one mounting a 9, and two mortar batteries, one 10 1-2 the other 5 1-2 inch. The batteries firing hot shot which set some of our buildings on fire, but from the extraordinary vigilance of the officers and men, particularly major Armistead of the United States corps of engineers, whose indefatigable exertions were extended to all parts of the garrison, the fires were got under without being observed by the enemy.

Our garrison was not as well provided with artillery and ammunition as I could have wished; however, the batteries opened a tremendous fire upon them, in return, with hot shot, admirably well directed.

Several times during the cannonading, the town of Newark was in flames, but was extinguished by their engines—as also the centre building in Fort George.——Their mess house and all the buildings near it were consumed. Captain M'Keen commanded a 12 pounder in the S. E. Block-house, and distinguished himself by his usual gallantry and skill. Captain Jacks, of the 7th regiment militia artillery, commanded a 6 pounder on the N. Block-house, and together with a part of his own company, though placed in a situation most exposed to the fire of the enemy, maintained their position like veterans.

Lieut. Rees of the 3d regiment of artillery had the command of an 18 pounder on the S. E. battery, which was pointed at the battery *en barbette* mounting a 24 pounder, and also at Fort George; several well directed shot were made from this gun, which proved the skill of its commander. About 10 o'clock lieut. Rees had his left shoulder bruised by a part of the parapet falling on him; which, though it did not materially injure him, obliged him to retire, and capt. Leonard of the 1st regiment United States artillery at that moment arriving, he took the command of this battery for the remainder of the day. Lieut. Wendel, of the 3d regiment of artillery, had the command of an 18 and 4 pounders on the West battery—and Dr. Hooper of capt. Jack's company militia artillery, had the command of a 6 pounder on the mess-house. Of these gentlemen and their commands, I cannot speak with too much praise, they distinguished themselves highly, and from their shot all of which was hot, the town of Newark was repeatedly fired,and one of the enemy's batteries silenced for a time.

An instance of extraordinary bravery in a female (the wife of one Doyle, a private of the U. S. artillery, made a prisoner at Queenston) I cannot pass over:—During the most tremendous cannonading I have ever seen, she attended the 6 pounder on the old mess house with the red hot shot, and shewed fortitude equalling the Maid of Orleans. Lieuts. Ganesvoort and Harris of the 1st regiment U. S. artillery had the command of the Salt battery at Youngstown, mounting one 18 and a 4 pounder.—These two guns played upon the garrison of Fort George and the buildings near it: from every observation I could make during their fire, I am happy to say they merited my warmest thanks for their skill in the service of these guns. Lieut. Harris, from his 4 pounder, sunk a schooner which lay at their wharf: she was one of those taken by the enemy at the mouth of the Genessee river a short time since. He also assisted in burning and destroying the buildings near the wharf. These two officers and their men, in the warmest part of the cannonading having fired away all their cartridges, cut up their flannel waistcoats and shirts, and the soldiers their trowsers, to supply their guns.

I cannot say too much in praise of all the officers and soldiers of the artillery immediately under my observation in this garrison; they merit the thanks and esteem of their country for the defence of it, and I believe it never sustained so sharp and continued a bombardment.

The enemy threw more than two thousand red hot balls into it, and a number of shells amounting to more than one hundred and eighty, only one of which did injury to our men.

Lieut. col. Gray commanded the artillery; the unremitting attention paid to his duty, proves him an officer whose zeal and science do honor to himself and country; to this gentleman I feel much indebted for the manner he acquitted himself.

To the officers of my regiment (particularly capt. Mulligan) and the soldiers who assisted the artillery, and those employed in extinguishing the fires and carrying off the killed and wounded, I am also much indebted, they merit my warmest thanks. To Dr. West of the garrison, Dr. Hugan of the 14th regt. United States infantry, and Dr. Craige of the 22d regt. United States infantry, I offer my thanks.—They were employed during the entire day in the most critical duties of their profession. Our killed and wounded amount to eleven.

Killed.—Serjeants, Jones, 1st regt. of United States artillery; Salisbury, 3d do. do. do.; privates, Stewart, 22d do. U. S. infantry; Lewis, 1st do. do. artillery.

Wounded.—Officers, lieut. Thomas, 22d regt. U. States infantry; privates, Boman, 14th do. do.; M'Evoy, 1st do. do.; Campbell, 1st do. do.; Welsh, 1st do. do.; Ray, 3d do. do.; Woodworth, 7th do. militia artillery.

From the numbers we saw carried off from the enemy's batteries, I presume many more were killed and wounded on their side.

Only two of the above men were killed by the enemy's shot, the rest by the bursting of a 12 pounder in the S. E. block-house and by the spunges of the guns on the North block-house, and at the salt battery.

GEO. M'FEELEY,
Lieut. col. commanding Fort Niagara.

GENERAL VAN RENSSELAER TO GOVERNOR TOMPKINS.

Buffaloe, October 23d.

SIR—The daily expectation of your excellency's arrival on the Niagara frontier, since the action of the 13th, has prevented my making an official communication to you on that subject: But having now received major-general Dearborn's permission to resign my command, I purpose to proceed immediately to Albany.

Under there these circumstances, I have determined to furnish your excellency with a copy of my dispatch of the 14th to major-general Dearborn, reserving to future communications, some documents calculated to furnish a more full explanation of the late movements of the army.

I cannot, however, in justice to my own feelings, to merit, and to the service, close without noticing to your excellency a number of officers whose conduct in the late action would have reflected great honor upon veteran soldiers, and entitles them to

the notice of your excellency, and the gratitude of their country.

Brigadier-general Wadsworth proved himself an officer capable of commanding with promptness, coolness and decision, in all the vicissitudes of battle; and though he was fortunate enough to escape wounds, scarcely a garment had he on, but bears more than one mark of honorable testimony.

Colonel Van Rensselaer was in the first boat, and the first man on shore: in the most gallant manner he led the van of the first column through a very severe fire, and when four wounds prevented his proceeding he gave his orders with decisive firmness, and they were effectually performed. Major Lush acted as his volunteer aid, and his courage and conduct on the field were highly honorable to a young officer.

Lieutenant-colonel Bloom was early in the action, and when a wound obliged him to retire from the field, he persevered in efforts to urge on reinforcements.

Lieutenant-colonels Allen, Strahan and Mead exerted themselves to get as many of their men as possible to the field and faced the enemy to the last.

Major Spencer, aid-de-camp to general Wadsworth, is in all respects an excellent officer, and his conduct on the field was honorable.

I will only add that after the toils and privations of a very perplexing campaign, to be obliged to witness the sacrifice of a victory so gallantly won on the shrine of doubt, is mortifying indeed.

I have the honor to be, with respect and consideration, your excellency's most obedient servant.

S. VAN RENSSELAER.

His excellency governor Tompkins.

ARMY OF THE CENTRE.

We were truly *astounded* with certain reports from *Buffalo*, that reached us on Thursday last. We would have said, "an enemy has done this," and have consigned them to the common tomb of the millions of tales propagated to disparage the arms and exertions of the United States. But the matters referred to have reached us in so many ways, that we cannot refuse credence to the wondrous story; still hoping however, that the facts may be exaggerated.

The following narration is copied from an ably conducted "republican" paper, entitled the *Ontario Messenger* published at *Canandaigua*, N. Y. by Mr. *John A. Stevens*; and we place great reliance in what he says, being seated pretty near the scene of the events he notices: the official, or *regular* accounts, will, of course, appear as soon as received.

"*Disaster upon Disaster.*—The old scenes of imbecility, treachery and cowardice, have been again displayed upon our frontier. With grief and shame do we record that Smyth, who promised so much, who centred in himself the generous confidence of strangers, of his friends and his government, who was to convince the American people that all their generals were not base, cowardly and treacherous, even Smyth must be added to the catalogue of infamy which begun with the name of Hull. Our minds are depressed with shame and our hands tremble with indignation, at this final prostration of all our dearest and fondest hopes. But we will endeavor to assume some calmness while we state to our readers the disgraceful events that have occurred on the Niagara river.

For three weeks past as all our readers know, the most vigorous preparations have been making for a descent upon Canada. On the 10th ult. Gen. Smyth promised "that in a few days the troops under his command would plant the American standard in Canada" and he called upon volunteers to assist him. Our mortification is already sufficient, without stopping here to notice the high tone of his proclamation, and the extraordinary sentiments it contained. Suffice it to say, that many, very many, of our worthiest citizens, left their homes, their families and their business, at an immense sacrifice, to obey what they conceived the call of their country. A second proclamation from Smyth appeared, evincing that all was ready, and announcing the general's principles and views. So far all was well. Anxious but joyful anticipation exhilirated all the hearts of all the true friends to their country.

On Saturday the 29th ult. in pursuance of orders, the army marched to the Black Rock and was there embarked ready to cross. In the morning 150 brave men, principally sailors, had gone over, taken three batteries from the enemy, spiked their cannon, and returned with little loss, leaving only one battery within sight of our forces, and that at such a distance, as to excite no apprehensions. Among the wounded in this noble enterprise, we regret to say that the gallant and brave captain Myndert M. Dox, of the 23d U. S. infantry, was shot through both his thighs. There were thirty-six prisoners taken.—This was a glorious omen of the probable success of the whole army. Three thousand men were embarked; fifteen pieces of light artillery completely equipped in every respect, were in the scows or flats; and a *corps de reserve* of at least 5,000 men were waiting for a chance to cross. At this auspicious moment when the enemies batteries were completely silenced, instead of crossing or attempting to move, gen. Smyth sent over a flag of truce to the enemy. Our army still lay in their boats, when not a vestige of opposition from the other side appeared. Indeed, the whole country was so wholly abandoned, that three of our gallant tars, for a frolic, went over in the sight of our army, burnt two houses, a store and a barn, and were occupied an hour and an half in catching fowls and hogs, and killing them, and in collecting other plunder. After doing precisely what they pleased, they returned without molestation. In the mean while, a flag with a British major arrived, and a long conference ensued.—Smyth sent another flag; but before it reached the opposite shore, he ordered the troops to their tents. On Sunday the 30th, orders were read that the troops should be ready to cross on Monday the 1st inst. at 8 o'clock. At the time the army, was at the river; and thirteen boats only, out of seventy, under the command of colonel Winder, attempted to go over; they crossed directly in front of the only battery which had not been rendered useless: after arriving within a few rods of the shore the battery consisting of an 18 pounder, opened upon them, when they turned about and came back. Not a single boat was sent out to reinforce them, nor was any diversion made or attempted at any other point. They were again ordered to camp and directed to be ready the next morning, Tuesday, to cross. By this time some uneasiness was apparent; the soldiers were disgusted and wearied with being marched back and forth; however, no one declined crossing. Again all was ready, the troops were either embarked or on the point of getting into their boats; when suddenly orders were received for all to return to their tents. The volunteers who had come out under Smyth's proclamation, were coldly informed that they might stack their arms and go home! The regulars were ordered into winter quarters!——Gen. Porter endeavored to retain the volunteers, until an explanation of this extraordinary conduct could be obtained. Many, however, giving up all hope of ac-

tive service, obeyed orders. It was understood that a council of the principal officers of the volunteers, was immediately called, to consider of their situation. They wrote a letter to Smyth, but the result was, that he evaded giving an explanation! Smyth was universally denounced as a coward and a traitor; he was shot at several times, and was hooted through the streets of Buffaloe. He was shifting his tent in every direction, in order to avoid the indignation of the soldiers. We understand he has ordered his army to the eleven mile creek, eleven miles this side of Buffalo, where they have actually arrived and are now encamped. Judge Granger, much to his honor, refused to afford any further shelter to Smyth, and every tavern-keeper in and near Buffalo, declined the infamy of his company.

A few incidental circumstances deserve to be mentioned. There was a force of 8000 men, according to the lowest computation, ready to cross. The army was abundantly supplied with provisions; this we assert, without the fear of contradiction, upon the authority of every officer and private whom we have yet seen. Gen. Porter conducted with his usual bravery and discretion. He offered to go over with the volunteers only and four pieces of light artillery, and pledged himself to take Fort Erie—but this was refused by the *great* Smyth. He *purposely* and with *malice prepense*, called Smyth a coward, a traitor and a villain! and the brave and gallant general has hitherto declined taking any notice of his expressions! It would be useless for us to repeat them; we merely put them on record, without holding ourselves responsible for the consequences.

It gratifies us to learn that the volunteers acted on this occasion, as we expected from their bravery and prudence.

Upon the whole, we are compelled to say, that there never was an expedition better planned and better prepared but no one worse executed. Nothing failed but the *general*, a term which seems to imply disgrace, for never was a nation cursed with worse generals than the American people seem to have been.

We learn with surprize and astonishment, that capt. Rees of Geneva, has received orders to build *barracks* at that place, for the winter quarters of an army."

CHILICOTHE, December 2.

We understand that a body of troops set out from camp a few days since on a secret expedition, to be accomplished in twenty days. They are to proceed to Xenia, and from thence to Springfield and Eaton, and from the latter place to that of their destination. The troops engaged in this expedition are composed of the following corps, viz:

Major Ball's squadron of U. S. volunteers, and twelve months dragoons,	200
Simrall's regiment Kentucky ditto,	220
Select U. S. infantry, captain Elliott,	50
Butler and Alexander's companies,	70
	540

NAVAL.

Letters of marque and reprisal have been issued by the British government against the United States. This is only giving a legal sanction to the *war* that has existed on the part of the enemy for several years.

A splendid ball and and entertainment was given to captain *Decatur* and his officers on their arrival at *New-London*.

Several enemy vessels of war are cruizing off the capes of Virginia.

In the legislature of South Carolina, November 24th, Mr. Cogdal gave notice that he should ask leave to bring in a bill to purchase and equip a *vessel of war*—a ship of the line.

In the legislature of *Pennylvania* a resolution has been submitted to build a frigate for the use of the United States: We trust this great and powerful state, "the arch of the Union," will give us many examples of practical patriotism. *Seventy-sixers* are the fashion of the times.

The ship Madison was safely launched at Sackett's Harbor (Lake Ontario) on the 26th ultimo. She is a beautiful corvette-built ship of the following dimensions: one hundred and twelve feet keel, thirty-two feet and a half beam, eleven feet and a half hold; five hundred and eighty tons, and will mount twenty-four thirty two pounders, carronades. She was built throughout in the space of forty-five days!

The common council of *Philadelphia* have unanimously voted a "superb sword of American manufacture," to captain *Decatur*.

It is stated that capt. *Carden*, late of the *Macedonian* who has seen much service, says that at the battles of the *Nile* and *Trafalgar* (in which he was) he did not behold such a destructive fire as *Decatur* kept up—he emphatically calls it "tremendous." It is further said that he had declared his intention of recommending "to his majesty's government" the necessity of withdrawing all the frigates on this station, as nothing but ships of the line can contend with our vessels!

A splendid entertainment was given to capt. *Jones*, late of the *Wasp*, in Philadelphia, on Friday the 11th inst. Wm. Tilghman, chief justice of Pennsylvania, presided, he was supported Edward Bond, esq John Barker (mayor) and com. Dale, the gallant 1st lieutenant to the memorable *Paul Jones*; 180 gentlemen sat down to the table; after the cloth was removed a great many American toasts were drank. In the course of the evening elegant transparencies were exhibited in "*honor of the brave*."

It is stated that a considerable number of the crew of the *Macedonian* have made their escape since the arrival of that ship at N. London. So much for the desire of British seamen to return to "his majesty's service" to *fight* for "*religion* and *liberty*." This abuse ought to be prevented: we want them for exchange.

An eastern paper presents us with the following statement shewing the mighty superiority of our tars, in the art of gunnery.

Americans.	*Killed & Wounded.*	*British.*	*Killed & Wounded.*
The President had	1	The Little Belt	33
Constitution	14	Guerriere	104
Wasp	10	Frolic	75
United States	11	Macedonian	106
	36		318
			36
		Difference in favor of America	282

"To this astonishing difference of two hundred and eighty two must be added the extraordinary manner in which the masts, spars and rigging of the enemy's ships were crippled: three out of four of them being wholly dismasted."

An Albany paper of the 10th inst. states that com. *Chauncey* has returned to Sacket's Harbor, to lay up for the winter. The British vessels have also gone into Kingston for the same purpose. The weather at this season of the year is extremely inclement on and near the lakes.

Copy of a letter from Commodore Rodgers to the Secretary of the Navy.

At Sea, long. 32, lat. 33, Nov. 1, 1812.

SIR—I wrote you on the 18th inst. by the British packet Swallow, informing you of having captured

that vessel with between an hundred and fifty and two hundred thousand dollars on board; and I now write you by a British south-sea ship, loaded with oil, captured yesterday, one of two ships under convoy of the frigate Galatea.

The above ship is manned from the Congress, and it is now blowing so fresh, that I cannot learn from capt. Smith her name, having separated from him yesterday in chase of the Galatea whilst he was manning the prize, and owing to excessive bad weather, last night, was unable to join him to-day.

I got within six or seven miles of the Galatea by sun-set, but the extreme darkness of the night enabled her to escape.

With the greatest respect, &c.

JOHN RODGERS.

The hon. Paul Hamilton,
Secretary of the Navy.

DECATUR'S VICTORY.

The official letters of captains *Decatur* and *Jones*, (the latter has already been inserted in the Register) were communicated to congress on the 11th inst. in the following message—

To the Senate and House
of Representatives of the United States.

I transmit to congress copies of a letter to the secretary of the navy, from captain Decatur, of the frigate "United States," reporting his combat and capture of the British frigate Macedonian. Too much praise cannot be bestowed on that officer and his companions on board, for the consummate skill and conspicuous valor by which this trophy has been added to the naval arms of the United States.

I transmit, also, a letter from captain Jones, who commanded the sloop of war Wasp, reporting his capture of the British sloop of war the Frolic, after a close action, in which other brilliant titles will be seen to the public admiration and praise.

A nation, feeling what it owes to itself and its citizens, could never abandon to arbitrary violence on the ocean a class of them which gives such examples of capacity and courage, in defending their rights on that element; examples which ought to impress on the enemy, however brave and powerful, a preference of justice and peace to hostility against a country whose prosperous career may be accelerated, but cannot be prevented by the assaults made on it.

JAMES MADISON.

Washington, Dec. 11, 1812.

U. S. ship United States, at Sea,
October 30, 1812.

The hon. PAUL HAMILTON,

SIR—I have the honor to inform you, that on the 25th inst. being in the lat 29 N. long. 29, 30 W. we fell in with, and, after an action of an hour and an half, captured his Britannic majesty's ship Macedonian, commanded by capt. John Carden, and mounting 49 carriage guns (the odd gun shifting.) She is a frigate of the largest class, two years old, four months out of dock, and reputed one of the best sailers in the British service. The enemy being to windward had the advantage of engaging us at his own distance, which was so great, that for the first half hour we did not use our carronades, and at no moment was he within the complete effect of our musketry or grape—to this circumstance and a heavy swell, which was on at the time, I ascribe the unusual length of the action.

The enthusiasm of every officer, seaman and marine on board this ship, on discovering the enemy—their steady conduct in battle, and precision of their fire, could not be surpassed. Where all met my fullest expectations, it would be unjust in me to discriminate. Permit me, however, to recommend to your particular notice, my first lieutenant, Wm. H. Allen. He has served with me upwards of five years, and to his unremitted exertions in disciplining the crew, is to be imputed the obvious superiority of our gunnery exhibited in the result of this contest.

Subjoined is a list of the killed and wounded on both sides. Our loss compared with that of the enemy will appear small. Amongst our wounded, you will observe the name of lieutenant Funk, who died a few hours after the action—he was an officer of great gallantry and promise, and the service has sustained a severe loss in his death.

The Macedonian lost her mizen-mast, fore and main-top-masts and main-yard, and was much cut up in her hull. The damage sustained by this ship was not such as to render her return into port necessary, and had I not deemed it important that we should see our prize in, should have continued our cruise.

With the highest consideration and respect, I am, sir, your obedient humble servant,

Signed, STEPHEN DECATUR.

List of killed and wounded on board the U. States.

Thomas Brown, New-York, seaman—Henry Shepherd, Philadelphia, do.—Wm. Murray, Boston, a boy—Michael O'Donnel, New-York, private marine—John Roberts, do. do.—*Killed.*

*John Musser Funk, Philadelphia, lieutenant—*John Archibald, New-York, carpenters' crew—Christian Clark, do. seaman—George Christopher, do. ordinary seaman—George Mahar, do. do.—Wm. James, do. do.—John Laton, do. private marine—*Wounded.*

On board the Macedonian there were thirty-six killed, and sixty-eight wounded. Among the former were the boatswain, one master's mate and the school master, and of the latter were the first and third lieutenants, one master's mate and two midshipmen.

The prize mentioned above has arrived at Norfolk.

An officer of the frigate United States, speaking of *Decatur's* late victory, says—"I am aware it will be said, she is a little ship, with five guns less than you, and a hundred men less, and carries lighter metal, &c.—well, all this is true—she is inferior in all these—but she is just such a ship as the English have achieved all their single ship victories in—'twas in such a ship that sir ROBERT BARLOW took the *Africaine*—that sir MICHAEL SEYMOUR took the *Brune*, and afterwards the *Niemen*—that capt. MILNE took the *Vengeance*, capt. COOK the *La Forte*, capt. LAVIE the *Guerriere*, capt. POWLEY the *Venus*, and God knows how many others; she is, in tonnage, men and guns, such a ship as the English prefer to all others, and have, till the *Guerriere's* loss, always thought a match for any single decked ship afloat. You will observe the ship was just out of dock, her masts were better than the *Guerriere's*. She had taken no prizes—her compliment was full. She was not built of fir, thirty years ago, as said of that ship, but of the best English oak, two years since."

FROM THE LONDON GAZETTE.

Admiralty Office, October 10.

Copy of a letter from vice-admiral Sawyer, to John Wilson Croker, esq. dated on board his majesty's ship Africa, at Halifax, the 15th Sept. 1812.

SIR—It is with extreme concern I have to request you will be pleased to lay before the lords commissioners of the admiralty, the enclosed copy of a letter from captain Dacres, of his majesty's late ship Guerriere, giving an account of his having sustained a close action of near two hours, on the 19th ult.

* *Since dead.*

with the American frigate Constitution, of very superior force, both in guns and men (of the latter almost double) when the Guerriere being totally dismasted, she rolled so deep as to render all further efforts at the guns unavailing, and it become a duty to spare the lives of the remaining part of her valuable crew, by hauling down her colors. The masts fell over the side, from which she was about to be engaged, in a very favorable position for raking by the enemy. A few hours after she was in possession of the enemy, it was found impossible to keep her above water; she was therefore set fire to and abandoned, which I hope will satisfy their lordships she was defended to the last.

I have the honor to be, &c.

(Signed) H. SAWYER, *vice-admiral.*

BOSTON, Sept. 7, 1812.

SIR—I am sorry to inform you of the capture of his majesty's late ship Guerriere, by the American frigate Constitution, after a severe action on the 19th August, in lat. 40 deg. 20 minutes N. and long. 55 deg. W. At 2 P. M. being by the wind on the starboard tack, we saw a sail on our weather beam, bearing down on us. At 3, made her out to be a man of war, beat to quarters and prepared for action. At 4, she closing fast, wore to prevent her raking us. At ten minutes past 4, hoisted our colors and fired several shot at her; at twenty minutes past 4, she hoisted her colors and returned our fire, wore several times to avoid being raked, exchanging broadsides. At 5, she closed on our starboard beam, both keeping up a heavy fire and stearing free, his intention being evidently to cross our bow. At 20 minutes past 5, our mizen-mast went over the starboard quarter and brought the ship up in the wind; the enemy then placed himself on our larboard bow, raking us, a few only of our bow guns bearing, and his grape and riflemen sweeping our deck. At forty minutes past 5, the ship not answering her helm, he attempted to lay us on board; at this time Mr. Grant, who commanded the forecastle, was carried below badly wounded. I immediately ordered the marines and boarders from the main deck; the master was at this time shot through the knee, and I received a severe wound in the back. Lieut. King was leading the boarders, when the ship coming too, we brought some of our bow guns to bear on her, and had got clear of our opponent, when at twenty minutes past 6, our fore and mainmast went over the side, leaving the ship a perfect unmanageable wreck. The frigate shooting ahead I was in hopes to clear the wreck, and get the ship under command to renew the action, but just as we had cleared the wreck, our spritsail yard went, and the enemy having drove new braces, &c. wore round within pistol shot, to rake us, the ship lying in the trough of the sea, and rolling her main deck guns under water, and all attempts to get her before the wind being fruitless, when calling my few remaining officers together, they were all of opinion that any further resistance would only be a needless waste of lives, I ordered, though reluctantly, the colors to be struck.

The loss of the ship is to be ascribed to the early fall of her mizen-mast, which enabled our opponent to choose his position. I am sorry to say, we suffered considerably in killed and wounded, and mostly while she lay on our bow, from her grape and musquetry; in all, fifteen killed and sixty-three wounded, many of them severely; none of the wounded officers quitted the deck until the firing ceased.

The frigate proved to be the United States' ship Constitution, of thirty 24-pounders on her main deck and twenty-four 32-pounders, and two 18's on her upper deck, and 476 men: her loss in comparison with ours is trifling, about twenty: the first lieutenant of marines and 8 killed; and first lieutenant and master of the ship, and eleven men wounded; her lower masts badly wounded, and stern much shattered, and very much cut up about the rigging.

The Guerriere was so cut up, that all attempts to get her in would have been useless. As soon as the wounded were got out of her, they set her on fire; and I feel it my duty to state, that the conduct of Captain Hull and his officers to our men, has been that of a brave enemy, the greatest care being taken to prevent our men losing the smallest trifle, and the greatest attention being paid to the wounded, who, through the attention and skill of Mr. Irvine, surgeon, I hope will do well.

I hope, though success has not crowned our efforts, you will not think it presumptuous in me to to say, the greatest credit is due to the officers and ship's company for their exertions, particularly when exposed to the heavy raking fire of the enemy. I feel particularly obliged for the exertions of lieut. Kent, who though wounded early by a splinter, continued to assist me—in the second lieutenant the service has suffered a severe loss; Mr. Scott, the master, though wounded, was particularly attentive, and used every exertion in clearing the wreck, as did the warrant officers. Lieutenant Nicholl of the royal marines, and his party, supported the honorable character of their corps, and they suffered severely. I must recommend Mr. Shaw, master's mate, who commanded the foremast main deck guns in the absence of lieutenant Pullman, and the whole after the fall of lieutenant Ready, to your protection, he having received a severe contusion from a splinter. I must point out Mr. Garby, acting purser, to your notice, who volunteered his services on deck, and commanded the after quarter-deck guns, and was particularly active, as well as Mr. Bannister, midshipman. I hope in considering the circumstances, you will think the ship entrusted to my charge, properly defended—the unfortunate loss of our masts, the absence of the 3d lieutenant, 2d lieutenant of marines, three midshipmen and twenty-four men, considerably weakened our crew, and we only mustered at quarters two hundred and forty-four men, and nineteen boys, on coming into action; the enemy had such an advantage from his marines and riflemen, when close, and his superior sailing enabled him to choose his distance.

I enclose herewith a list of killed and wounded on board the Guerriere.

And have the honor to be, &c.

JAMES R. DACRES.

A list of officers, seamen and marines killed and wounded on board his majesty's ship Guerriere, in the action of the 19th August, 1812.

KILLED—Henry Ready, 2d lieutenant, and 14 seamen.

WOUNDED—James R. Dacres, esq. captain, severely; Bartholomew Kent, 1st lieutenant, slightly, and 61 seamen.

[The men "missing," are not mentioned.]

The French in Russia.

We have a series of French bulletins to the 26th of September.——The emperor *Napoleon* entered Moscow on the 14th, at mid-day, and took up his quarters in the *Kremlin*, a large palace or citadel, in the centre of the city surrounded by high walls. The French say, "the city of Moscow is as large as Paris"—and call it the *entrepot* of Asia and Europe. On the 16th, the Russians set fire to it "in 500 dif-

ferent places." They had previously removed or destroyed the fire engines, and the houses being chiefly of wood, it became "an ocean of flame." Nearly 1,600 churches, 1,000 palaces, and almost the whole city, the Kremlin excepted, was reduced to ashes and naked walls—30,000 sick and wounded Russian soldiers were burnt to death!—200,000 people were reduced to beggary, and immense stores of merchandize from all parts of the world, entirely consumed. The French charge this mighty devastation to the Russian governor Rostanchin, who let loose for the purpose 3,000 malefactors. In the cellars of the burnt houses, the French found an abundance of provisions, with wines, brandies, sugar and coffee, laid in by the poor inhabitants for their winter's subsistence, or deposited by the merchants for sale, with great quantities of pelisses and furs. They also obtained 60,000 new muskets, 150 pieces of cannon, 600,000 balls and shells, 1,500,000 cartridges, 400,000 lbs. powder, and a like quantity of salt petre and sulphur. Three hundred of the incendiaries were arrested and shot—they were provided with fuses and squibs, to extend the work of destruction. The loss to Russia is incalculable. An apprehension existing at St. Petersburg that Bonaparte might visit that place, Alexander had permitted some property to be embarked from it, though he said he saw no ground for fear. He has ordered a new levy of 400,000 men, and appears determined to prosecute the war to the last extremity. But rumor says he has sued for peace, which is probably true.

The following account of Moscow, as it was, for which we are indebted to the industry of the editor of the *Essex Register*, is now of peculiar interest:

"In the edition of Busching's invaluable Geography, published and translated in 1762, the following is the outline then given of Moscow. He gives it the antiquity of six centuries, and a circuit much less than it formerly had, of 24 English miles, lying in a curve formed by the river from which it takes its name. He gives the churches at 1600. Of these 11 were cathedrals and 271 parish churches, the rest either belong to the convents, or are private chapels. The public edifices or palaces were 44. He says more in commendation of the plan of the city than of its buildings, more of the riches of public structures than of the improvements of domestic life. The city he represents in four circles, which lay one within another. The interior circle, or fortress, is distinguished by its structures, and it was surrounded with thick walls and towers, defended by cannon and secured by moats and ramparts. The second circle in which commerce is transacted, had a high wall around it, with towers and bulwarks. The third circle is named from a white wall which surrounds it. The fourth circle was surrounded with ramparts of earth, which enclosed the other three, and contained within it about 17 wersts, the werst being about 3500 English feet, and the English mile 5280 of the same feet, so that it is larger than London, and without a sixth part of the population of London. In the eighth edition of Busching, in 1787, he gives the circumference at 26 wersts, and describes the city as having 260 parish churches, 708 stone and 11,810 wooden buildiugs, and 85,731 male and 87,053 female inhabitants in 1770. It does not appear that any favorable change had been made in its fortifications. In this period, Mr. Coxe was at Moscow, and introduced to the celebrated Muller, of whom he has given an account, and from whom he could receive the most correct information. Mr. Coxe says a fine view of Moscow can be had from an eminence a few miles from the city. He affirms that there are above 1000 places of worship in the city, of which 199 are of brick.

The reader who consults Mr. Coxe will find more of the literary than military history of Moscow, as the state of defence is to us the first subject of our present enquiries. Olivarius informs us in 1800, that the circumference of the city is 40 wersts between 10 and 12 French leagues; that it has 53 principal streets, and 482 intersecting streets pass through the great mass of 10,000 buildings. He represents the population at 200,000, but in winter at 300,000."

Proceedings of Congress.

The house of representatives, in committee of the whole, were occupied on Thursday, Friday and Monday, on the report of the committee of ways and means relative to the Merchant's Bonds, as heretofore noticed—and on the question to agree to that report, yeas 49—against it 52. Several substitutes were afterwards proposed. But nothing further was done. It is, however supposed, that this vote is not conclusive—the proceedings of the committee have not been confirmed by the house.

In the *senate*, on the 12th inst. a bill directing the secretary of the treasury to remit the penalties of the merchants, &c. prevailed, 27 to 3. On the 14th, having under consideration a bill to increase the navy, a motion made to strike out the provisions for building ships of the line, was negatived as follow:

For the motion—Messrs. Crawford, Franklin, Lambert, Robinson, Smith of N. Y. Taylor and Turner.

Against the motion—Messrs. Anderson, Bibb, Brent, Campbell of Ten. Cutts, Dana, Gaillard, German, Giles, Gilman, Goodrich, Gregg, Horsey, Howell, Hunter, Leib, Lloyd, Magruder, Pope, Posey, Smith of Md. Tait and Varnum.

The engrossed bill directing the secretary of the treasury to remit fines, forfeitures, &c. in certain cases, was taken up, and on the question, "shall the bill pass?"

It was determined in the affirmative, 25 to 5.

Those who voted in the affirmative were,

Messrs. Anderson, Bibb, Cutts, Dana, Gaillard, German, Giles, Gilman, Goodrich, Gregg, Horsey, Howell, Hunter, Lambert, Lloyd, Magruder, Pope, Posey, Robinson, Smith of Md. Smith of N. Y. Tait, Taylor, Turner and Varnum.

Those who voted in the negative were,

Messrs. Brent, Campbell of Ten. Crawford, Franklin and Worthington.

On *Monday*, the 14th inst. the house of representatives took up the report of the committee of the whole, on the report of the committee of ways and means, relative to the merchant's bonds, &c. and Messrs. *Quincy* and *Widgery* spoke in favor of the report and Mr. *Newton* against it.

On *Tuesday*, the bill from the senate respecting the merchant's bonds, referred to above, was twice read, and a motion was made by Mr. *Bibb* to postpone the subject indefinitely—after debate the house adjourned without a decision.

On *Wednesday*, Mr. *Quincy* submitted a motion, the purport of which was to ascertain the names of the officers under commodore *Preble*, who had received swords, &c. in consequence of a resolution of congress of March 3, 1805, appropriating $20,000 for that purpose—which was agreed to.

The house resumed the consideration of Mr. *Bibb's* motion relative to the merchant's bonds, and the yeas and nays being required, were—for *indefinite* postponement 61—against it 63. The bill from the senate was finally referred to the committee of ways and means.

The house then went into a committee of the whole on a bill from the senate for increasing the

navy. This bill contemplates the building of four ships of the line, and six heavy frigates. After some time spent therein, the committee rose, reported progress, and had leave to sit again.

American Prizes.

WEEKLY LIST—CONTINUED FROM PAGE 239.

"The winds and seas are Britain's wide domain,
"And not a sail without *permission* spreads!"
British Naval Register.

277. The schooner America, of *Newburyport*, sent into Salem, by the privateers Fame, Industry and Dromo, laden with salt. ☞These privateers, passing Indian island, a British post, were fired upon by the enemy. They returned the compliment, and determined to seize all the vessels then lying there.—They succeeded only in getting their *neighbor's* vessel out, the rest being run on shore. She is good prize, for trading with the enemy.

278. Brig ———, for Jamaica—a valuable vessel, sent into New London by the Joel Barlow privateer.

279. Schooner John Bull, a king's packet, out of New-Providence, chased on shore on Crooked island, by the Rover of New-York.

280. Ship Argo, from a South-sea voyage for London, carrying 10 guns and 2 swivels, with a large number of small arms, and 26 men; laden with 1400 casks of oil and 15 tons of whale-bone—taken off the Western islands by the U. S. frigates President and Congress.—(See com. Rodgers' letter.) This is a very valuable prize.

281. Frigate MACEDONIAN, 49 guns, and 306 men, sent into New York by the frigate *United States*, captain *Decatur*. (*See official account page* 253.) The Macedonian is a frigate of the first class—a new vessel, only four months out of dock; a fast sailer, and termed by her late officers the "*Flower of Old England.*" She is to be immediately fitted out—it is rumoured that captain *Jones*, late of the *Wasp*, is to have the command of her.

282. Ship John Hamilton, 550 tons, mounting 16 guns, 12 pounders, and 30 men, from Honduras for London, laden with 700 tons of mahogany, sent into Baltimore by the Dolphin privateer, of that port, after a smart action, but without the loss of lives on either side, though several were wounded. A fine prize.

283. Brig ———, from the Brazils, laden with cotton, sent into the Chesapeake by the U. S. brig Argus.

284. Schooner Loreen, from Martinico for St. Martins, laden with sugar and coffee, sent into Philadelphia by the Revenge, of that port.

285. Brig Bacchus, of Port Glasgow, in ballast—sent into Salem by the Revenge privateer.

THE CHRONICLE.

A report prevailed in London on the 19th Oct. that *Alexander* had solicited an armistice from *Bonaparte*, which was granted on certain terms dictated by the latter as preliminary to a treaty of peace. Powerful reinforcements to the French have marched from various parts for *Moscow*.

War between the Turks and Austrians is expected.

"Sometimes by fire!"—CORBETT. Several important manufacturing establishments in the United States have lately been destroyed by fire. "Such is the ever watchful policy of BRITAIN."

Colonel *James Barbour*, is re-elected governor of Virginia, without opposition.

General Abner Laycock has been elected a senator of the United States, for six years from the 4th of March next, by the legislature of Pennsylvania, in the place of Mr. Gregg.—The votes were for Mr. Laycock 63; Mr. D. Montgomery 26; Mr. J. Wenver 6: and Mr. James Brady 22. The three first were supported by the "republicans."

A nephew of the baron de Baetueil, one of the ministers of Louis XVI. obtained a livelihood at Hamburgh, a few months since, by sweeping the streets.

Many have read and admired governor Plumer's speech to the legislature of New-Hampshire, inserted in the REGISTER a short time ago. Such will be pleased to learn that the sentiments therein expressed have been fully supported by the vote of each house on their replies, as customary. In the senate 7 to 5—in the house of representatives 93 to 77.

A *Spanish* vessel, so called arrived at Boston from Cadiz, was overhauled by an Algerine cruizer, and after a very careful examination of her Mediteranean pass, suffered to proceed. The Algerines particularly enquired how many American vessels were at Cadiz, &c.

"*Yankee ingenuity.*"—For many years the British have been in the habit of *manufacturing* our shipping papers. *Our folks* are returning the compliment, and are daily engaged in making *British* licenses, to trade to Spain, Portugal St. Bartholomews, &c.

Virginia Legislature, Dec. 9.—John Taylor, returned as a delegate from the county of Lunenburg. Mr. T. asked to be dispensed from taking the *Duelling oath*, previous to his taking his seat. The report of the committee was unfavorable. A motion was made in the house to amend the report, so as to dispense with the oath. This amendment was urged on the ground, that to impose the duelling oath upon the members of the legislature, was to create a disqualification not recognized by the constitution of the state, and that it was therefore contrary to the constitution. After a long and animated discussion in which the amendment was supported by Messrs. Robertson, Archer and Leigh, and opposed by Messrs. Noland, Blackburn, Barbour, Currie, Thompson and Mercer, the question was put and the amendment lost—Ayes 19, Noes 147. The report of the committee was then agreed to.

Elizabethtown, (N.J.) Dec. 8.—Last Sabbath day, as the neighbors were assembled at the house of William Green, in the township of Springfield, for the purpose of attending the funeral obsequies of his son *Aaron Green*, the beams of the floor on which they stood suddenly gave way, and about seventy persons, mostly females, together with the deceased, were precipitated into a deep cellar, where they lay mingled with chairs, tables, chests and other furniture, in one promiscuous heap. The groans of those who were thus buried beneath their fellow-sufferers—the cries of others who were severely bruised, the agonizing screams of mothers for their infant children, forcibly torn from their arms, together with the coffin, shattered to pieces, all formed a scene equally novel, unexpected and distressing. By the exertions of the neighboring men, who surrounded the house, the sufferers were soon extricated from the ruins—and we are happy to add, that although most of them suffered some slight injury, yet not one bone was broken, nor, as far as we can learn, one drop of blood shed.

ERRATUM in the table in the last No. page 232. The correct return of votes being received, it appears that *two* republicans have been elected to the 13th Congress in Massachusetts—for 1—19 read 2—18; and in the totals for 114—68 read 115—67.

THE WEEKLY REGISTER.

No. 17 of vol. III.] BALTIMORE, SATURDAY, December 26, 1812. [whole no. 69.

Hæc olim meminisse juvabit.—Virgil.

Printed and published by H. Niles, South-st. next door to the Merchants' Coffee House, at $5 *per annum.*

Naval Establishment.

(concluded from page 243.)

(D.)

U. S. Frigate Constellation, Nov. 12, 1812.

Sir—I have received your letter of the 11th inst. in which you state "the desire of the naval committee to possess the most comprehensive information upon naval subjects, particularly the description of marine force best adapted to our defence, and the relative efficiency of vessels of different rates." In compliance therewith, I have the honor to answer the questions you propound as follows:

Question 1—What, in your opinion, is the relative efficiency of ships of the line, say 74's and large frigates?

Answer—The relative efficiency or force of a 74 gun ship and large frigates is as one to three.

COMPARATIVE FORCE.

A Frigate of fifty guns.

Gun-deck	30	24 pounders	
Quarter-deck	14	32 lb. carronades	
Forecastle	6	32 do. do.	
Guns	50	—1360 lbs. shot each round.	
Men	430		
	480 guns and men		

A ship of the line, 74 guns.

Lower gun deck	28	42 pounders	
Upper do. do.	30	24 do.	
Quarter-deck	16	42 do.	carronades,
Forecastle	8	42 do.	do.
Do.	2	24 do.	do.
Poop	4	68 do.	do.
Guns	88	—3224 lbs each round.	
Men	650		
	738 guns and men.		

Argument—By the above comparison it appears, that a 74 gun ship discharges at one round 3224 lbs. of shot, and a frigate of the first class 2360 lbs.; it therefore clearly proves the position or relative force, in point of metal, to be one to three or thereabouts. When this circumstance is considered jointly with the following, it must appear to others, as it does to me, that as you increase the class of the ship you increase the proportion of one to three, and diminish, proportionally, the expense of building, equipping and supporting them in commission, which may easily be established by estimates from the department, and the experience of all other maritime nations.

Ships of the line are much stronger in scantling, thicker in the sides and bottom, less penetrable to the shot, and consequently less liable to be torn or battered to pieces, or sunk; the additional room being more than in proportion to the additional number of men, leaves greater space for water and provisions, and admits of her wings being kept clear, so that shot penetrating below the water, the holes can readily be plugged up from the insides, and her sinking thereby prevented; hence we have seen ships of the line capable of battering one another for several hours, and if not too much crippled in the spars and rigging, enabled to renew an action on following days. I am aware that some are of opinion, that a more divided force is better calculated for action from the advantageous position that would be given to a part; suppose three frigates, of 50 guns, were to undertake to batter a 74 gun ship, and that two of them were to occupy the quarter and stern of the 74 (this is placing them in the most favorable position) the other frigate engaged abreast, every thing would then depend on the time the frigate abreast could maintain that position to enable the other two to act with effect on the stern and quarter. But it must appear evident to all acquainted with the two classes of ships, that the frigate abreast could not withstand the fire of so heavy and compact a battery many minutes; and in all probability would be dismasted or sunk the first or second broadside. This would decide the fate of the other two. Much might be said upon the superiority of ships of the line over frigates in the attack of batteries or their defence; on the security of valuable convoys of merchant ships, or troops sent on an expedition; but their advantages in these respects must be apparent to all, however unacquainted with nautical affairs.

Question 2—What, in your opinion, is the relative efficiency or force of large frigates and sloops of war?

Answer—The relative efficiency of large frigates and sloops of war is at least one to two.

COMPARATIVE FORCE.

Sloop of War.

Gun-deck	16	12 pounders	
Quarter-deck	8	24 do.	carronades,
Forecastle	4	24 do.	do.
Guns	28	—480 lbs. shot	
Men	180		
	208 guns and men		

Frigates.

Gun-deck	30	24 pounders	
Quarter-deck	14	32 do.	carronades
Forecastle	6	32 do.	do.
Guns	50	—1360 lbs. shot	
Men	430		
	480 guns and men.		

Question 3—What description of naval force do you think best adapted to the defence of our coast and commerce?

Answer—Ships of the line are best calculated for the defence of our coast, and for the protection of our inward and outward commerce, when engaged in war with a foreign maritime power.

Argument.—It cannot be supposed, in a war with a foreign maritime power, that that power will only send to our coasts frigates and smaller cruisers, because we possess no other description of vessels. Their first object will be to restrain, by ships of the line, our frigates and other cruisers from departing and preying upon their commerce; their next object will be to send their smaller cruisers in pursuit of our commerce, and by having their ships of the

line parading on our coast, threatening our more exposed sea port towns, and preventing the departure of our small cruisers, they will be capturing what commerce may have escaped theirs, and recapturing what prizes may have fallen into our hands. Thirdly, they can at any time withdraw their ships of the line, should a more important object require it, without hazarding much on their part; and return in sufficient time to shut out our cruisers that may have departed during their absence. Fourthly, they can at all times consult their convenience in point of time and numbers; and will incur no expense and risk of transports, for provisions and water; but can go and procure their supplies at pleasure and return to their station ere their absence is known to us.

Question 4.—What description of force do you think best calculated to prosecute the present war, and any future war in which we may be engaged?

Answer.—For the prosecution of the present war with the most effect, a mixed naval force of the following description, is in my opinion the best calculated.

Ships of the line, to rate, in honor of the year of our independence, seventy-sixers, to mount as follow:

28 42 pounders on the lower gun deck,
30 24 do. on the upper do.
24 42 lb. carronades on quarter deck and forecastle,
2 24 pounders on forecastle,
4 68 pound carronades on poop.

86 guns.

Frigates to rate 40 guns to mount as follow:

30 24 pounders on gun deck,
20 32 lb. carronades on quarter-deck and forecastle

50 guns.

Frigates to rate 32 guns to mount as follow:

26 18 pounders on gun deck
16 24 lb. carronades on quarter deck and forecastle

42 guns.

Corvette ships to rate 16 guns to mount as follow:

18 32 pound carronades
2 12 pounders

20 guns.

Argument.—By having a proportion of these classes of ships of war, the inner squadron, or *guarda costa*, may be composed of the ships of the line, and a few of the 32 gun ships, for repeaters and *look out ships*. Hence it would produce one of two results, either that the enemy would be obliged to abandon our coast, or bring on it a much greater force, at least double our number, out of which they will be obliged to keep on our coast a superiority at all the hazards of the sea; and at great additional expense and risk of transports, to provision and water them. But should they, from other circumstances, be unable to keep up this superiority on our coast, the door will be kept open for the ingress and egress of our cruisers and their prizes, while our other classes of ships may be sent in pursuit of their smaller cruisers and commerce. These observations will apply to all future wars in which we may be engaged with the maritime powers; but as we might more frequently be engaged with the Barbary powers, the frigates and 16 gun ships, would be better adapted to that species of warfare They have no ships of the line. The ships of the line could then be laid up in ordinary, dismantled and preserved at a small expense.

Question 5.—Would not the erection of docks for the repairs of our vessels produce a great saving in expense, labor and risk; and would not docks greatly expedite the refitting of our ships?

Answer.—A dry dock agreeable to a plan I furnished the department some time since, to be freed from water by pumps or drains, will be indispensible for the repair of ships of war, and will be the least expensive way of repairing the bottoms of our ships, and will expedite the outfits in point of time one to ten.

Argument.—A ship of war wanting repairs done to her bottom or coppering, must be turned down one side at a time to undergo that repair; therefore, to prepare a ship for that process requires that her upper masts should be taken down, and all her guns, stores, water casks, ballast, ammunition, &c. should be taken out—which leads to *great loss, waste* and *labor:* and the *time occupied in the process* will be from *two to three weeks, and as much more time will be required to re-rig, re-equip, and replace* her guns, stores and other materials. The preparation to dock a ship of war will not require *twelve hours.* All that is necessary to be done is to take out the guns, and pump the water out of the water casks, and when *in dock* the repairs of her bottom can progress *on both sides* at the same time. Should a ship of war require a thorough repair throughout, it can never be effectually done but in a dock; for instance, in repairing ships of war in the water, they are liable to have their fine bottoms spoiled, by hogging, spreading or warping, which will materially affect their *sailing.* Ships wanting thorough repairs require all the plank stript off, *inside* and *outside,* their *beams, knees* and *clamps taken out;* these are all they have to bind their frames together and thereby preserve their shape; but when stripped of them to make room for the new, they are liable *to hogg* from the greatest weight and body of timber being in the *fore and after end,* at which places there is no pressure *upwards* caused by the water, as those ends are sharp; the two extremes of the ship are liable to sink in the water while the body or middle of the ship rises with the *upward pressure of the water.* The next consideration in repairing the bottoms in the water, though not of such vital importance, is not unworthy of serious attention; the bolting in the bottom ought to be driven from the *outside;* but when repaired afloat, they are under the necessity of driving them from the inside: hence the bottom will not be so strong nor so well secured.

The time for answering the several questions propounded to me in your letter of the 11th instant, being very short, and a great deal being required by my other avocations, will, I trust, be a sufficient apology for my not going more largely and minutely into the subject, as also for any inacuracies I may have committed. I will therefore close this communication with an expression of my hopes that whatever may be proposed by the naval committee to congress on this subject, they will strongly recommend to their consideration the necessity of having what they propose for the increase of the navy of the best seasoned materials, which will be by far the cheapest, and be longer in a state for active service. I trust their past experience will prove to their satisfaction this position, that the best materials are always the cheapest, and that a slow increase is better than a hasty and temporary one.

I have the honor to be, very respectfully, sir, your obedient servant,

CHARLES STEWART.

Honorable Paul Hamilton.

We agree with captain Stewart in the within statement, in all its parts.

ISAAC HULL,
C. MORRIS.

Ships of the United States' Navy, 1798, 1799.

	Guns.	Years.
United States	44 commissioned and put in service	1778
Constitution	44	1798
Constellation	44	1798
Congress, early	36 commissioned and put in service	1799
President	44	1799
Chesapeake	44	1799
Philadelphia	44	1799
New-York	36	1799
Essex	32	1799
John Adams	32	1799
Adams	32	1799
Geo. Washington	32	1798
Boston	32	1798
General Greene	32	1798
Insurgent	36	1799
Ganges	32	1798
Portsmouth	24	
Merrimack	24	1798
Connecticut	24	
Baltimore	20	1799
Delaware	20	1798
Maryland	20	1799
Patapsco	20	
Herald	18	1798
Trumbull	20	
Warren	20	
Montezuma	20	
Norfolk	18	
Richmond	18	1798
Agusta	18	
Pickering	14	
Experiment	14	
Enterprize	14	
And a number of smaller vessels,		1799

In service in 1798 20 } besides smaller vessels.
1799 30 }

Statement shewing the proportions of able seamen, ordinary seamen and boys, required for a ship of the line, say a 76, and a 44 gun frigate.

	Able Seamen.	O. Seamen and boys.
A 76 requires	280	233
44	140	172

NOTE. 280 able seamen is considered by practical men as too great a proportion for a first rate 76. The whole number of able and ordinary seamen and boys is 513; and practical men say that they may be classed thus: able seamen 220, ordinary seamen, &c. 293. It is observed by those acquainted with ships of the line, that to manage their *sails* does not require more able seamen than are required to manage the *sails* of a large frigate.

A force in frigates equal to a 76 would then require 420 *able* seamen, a 76 would require 220, making a difference in this respect of 200 *able* seamen in favor of the 76.

In 1798 and 1799 no difficulty was experienced in procuring able seamen; we could frequently in one week man a frigate. One among other considerations, which induced able seamen to enter then with so much alacrity, was, because the enemy we were then contending with had not afloat (with very few exceptions) vessels superior in rate to frigates. The enemy we are fighting have *ships of the line;* and our sailors know the great difference between that class of vessels and frigates, and cannot but feel a degree of reluctance at entering the service from the evident disparity. Build ships of the line and you will man them with more ease than you now can a sloop of war.

In 1798, 9, and 1800, we had near 4000 *able seamen* in the navy, a number sufficient to man *eighteen* ships of the line.

Ordinary seamen can always be procured in abundance.

Georgia Legislature.

HOUSE OF REPRESENTATIVES—*Tuesday, Nov. 20.*

Mr. Charlton, from the joint committee to whom was referred so much of his excellency's message as relates to East Florida, reported, That they have fully considered all the circumstances connected with the province of East Florida, as they relate to and affect the interest and safety of this state; and are of opinion, that immediate and decisive measures ought and must be adopted by the general or state government, for the possession and occupancy of said province.

Your committee will not pretend to analyze the motives which could have influenced the dissenting members of the senate of the U. States, in rejecting the bill of the house of representatives for the occupancy of this province. The policy which suggested this rejection will always appear inexplicable to your committee, as it must obviously then have appeared as it has since proven to have been, subversive of the safety and tranquility of this section of the United States. It is a policy which will bear the test of investigation upon any of those doctrines which usually regulate the morality of one nation in its conduct towards another—and cannot even find an apology in the strict, plain and honest principles which distinguish, or should ever distinguish, above all others, the government of a republic.

The safety of the people is the first consideration which presses itself upon the attention of all national councils. It is a principle as applicable to one form of political government as to another. Your committee then humbly conceive, it was only necessary to have ascertained whether the safety of this section of the union was or was not jeopardized, by suffering the neighboring province of East-Florida to remain in the hands of an ally of Great Britain, [if not an ally in the war she is now waging against us] or in the possession of the local government of a Spanish colony, that could be easily seduced into any measures dictated by British power and influence.

Your committee would beg leave to ask, whether it could rationally have been supposed that the ministers of England would, under any of *their* impressions of justice or national law, permit the rigid neutrality of the local government of East Florida? And your committee would also beg leave further to inquire, whether it ought to have been expected, or is now to be expected, that British troops or auxiliaries will not be thrown into the garrison of St. Augustine—a fortress almost impregnable—offering an asylum and protection to all the outcasts of society, and disaffected of our own country—pouring out its ruffian bands and exciting the merciless savages, red and black, to their accustomed atrocious deeds of murder, rapine and desolation. This is the species of warfare encouraged by British influence and authority, antecedent to and during the present short period of hostilities in which our nation has been engaged; and can it for a moment be believed, that the fortress of St. Augustine will not be used for all the purposes enumerated by your committee? Upon the strong ground then of the PUBLIC SAFETY combined with a necessity urgent enough to confute all other considerations, and justified by every legitimate and universally recognized principle of the law of nations, the occupation of East Florida was, and

would now be a just measure of and most imperiously required from the general and state governments. Your committee, dreading the consequences which must inevitably result from the delay, if it is considered that the measure can only emanate from federal authority, have directed their attention to the section of the constitution of the United States in the following words: "No state shall, without the consent of congress, lay any duty of tonnage, keep troops or ships of war in time of peace, enter into any agreement or compact with another state, or with a foreign power, or engage in war, unless actually invaded or in such imminent danger as will not admit of delay." According to this section, then, there are only two cases which would authorise the state sovereignty to engage in war. First, when "actually invaded;" secondly, when "in such imminent danger as will not admit of delay."

Your committee are not prepared to say there has been an actual invasion by a foreign force, in the manner which, perhaps, was contemplated by the constitution; but the facts are before the public, that a warfare has been commenced on the frontiers; that murders have been perpetrated under the sanction, or with the connivance of the governor of East-Florida, and that a savage warfare is still in operation under the sanction of the said authority, which surely places our fellow-citizens immediately exposed to its effects, in imminent danger, and a danger too, not admitting of delay.

If a danger of this complexion is admitted, [of which the general assembly will decide] your committee are then of opinion that the state is constitutionally vested with the power immediately to organize a sufficient force to march into the province of East-Florida, and to occupy it; the occupation to be relinquished by the state troops as soon as the national legislature shall have adopted efficient measures to relieve the people from the imminent danger with which they are now menaced.

Yazoo Deposit.

EXECUTIVE DEPARTMENT OF GEORGIA.

MILLEDGEVILLE, Nov. 20.

Mr. Speaker and gentlemen of the House of Representatives,

In obedience to your resolution of the 16th inst. calling upon the executive for any official information relative to the *Yazoo Deposit*, which in his opinion may be conducive to the interest of the state—I beg leave to submit the following statement of facts and observations:

The Yazoo Deposit was originated by five hundred thousand dollars, and paid into our treasury by certain companies of men in consideration of grants which they received from the state for a large tract of our western territory, since ceded by Georgia to the U. States. This transaction took place in the winter of 1794. At the following session of the legislature, in the winter of 1795, the grants issued to those companies were declared null and void, and provision made for the repayment of the money to all those who should call at the treasury and produce sufficient evidence of the amount paid by them.

Under these laws many persons, as well original grantees as those called sub-share holders, claimed and received from our treasury, three hundred and ten thousand six hundred and ninety-five dollars, 13 10-12 cents, part of the original five hundred thousand, leaving a balance of one hundred and eighty-four thousand seven hundred and sixteen dollars forty-seven and an half cents, which is the amount now in our treasury, subject to some deduction for guard expenses, &c. Some time in the spring or summer of 1795, the then governor, general Mathews, did, by order of the legislature, purchase stock of the United States, to the amount of nine thousand four hundred and forty-five dollars and fifty cents. The purchase was made with the money paid into the treasury by the Yazoo companies, and the stock deposited with the rest of that fund, as part thereof, in lieu of the money with which it was purchased. The purchase, however, is in the name of the state.

The whole, or nearly the whole of the interest of this stock is still due, which being six per cent. amounts to at least a sum equal to the principal.

The state, in repaying to the different claimants, under our rescinding act, and others passed specially, providing for the re-payment of the fund, has never calculated upon any amount but the original five hundred thousand dollars, the interest never having been considered as any part of the fund. The balance now in the treasury consists of gold and silver, United States' bank notes, United States' funded stock, governor's, president's and speaker's warrants. The proportion of each is, however, distinctly shewn by an estimate of the treasurer, herewith presented.

In the 24th section of the first article of our constitution, we find the following provision: Nor shall the monies paid for such purchases ever be deemed a part of the funds of this state or be liable to appropriation as such." This restriction applies to the five hundred thousand dollars paid by companies as the original purchase money.

Upon this statement of facts, I submit the following observations, viz.

1st. From the present situation of the affairs of the late United States' Bank, I should deem it proper that the bills of that bank, now making a part of the balance of the Yazoo deposit in our treasury, should be presented for payment before the final close of the business of that bank may render the payment of them doubtful.

2d. The United States' funded stock which is also a part of balance now in the treasury, ought to be exchanged for money. 1st. Because it was purchased in the name of the state, and as those who have in their possession evidence which would under our laws, have entitled them to draw the money from the treasury, would at the same time have a right to demand money, it would be optional with them whether they would receive stock in lieu of money, and in case of refusal the state was bound to return money, since it was money which was paid in. 2d. Because, the interest due upon this stock has never been considered and never can be considered any part of the Yazoo deposit, since it is no part of the monies paid for the original purchase and being due to the state can be claimed by her only. 3d. Because in all the repayments of this deposit no other sum has been taken into view or calculated upon but the five hundred thousand dollars, and if the law now admitted of the repayment of the balance of that fund, no other sum could be calculated upon or paid but the one hundred and eighty-four thousand seven hundred and sixteen dollars forty-seven and an half cents now in the treasury, otherwise the constitution would be violated and manifest injustice done to those who have long since drawn their money, and great partiality shewn to those who might do so now, since in the first instance, a proportion of five hundred thousand dollars was only paid, and in the latter instance, fifty thousand dollars would be added to a small remnant of the original amount, and delivered to a few

To this proposed exchange it is not perceived that any reasonable objection can be made. The amount of the deposit will remain the same, and be in money. The constitution contemplates that deposit as being in money, and if there was any serious bar to this exchange of paper for money, how would it be possible for the state to possess herself of her paper which has been paid in as a part of the deposit, and is now a part of the balance in the treasury? Any person entitled to receive this money might say, I am entitled to money and cannot take paper. It may be said, that our constitution provides, that "until such monies shall be drawn from the same;" and that, consequently, the state need not interfere to prevent any loss. This observation, if it had any force, would apply to the United States' bank bills, because they are the identical money which was paid into the treasury, but, it is at the same time to be observed, that the situation of the parties in this transaction has materially changed, and if they had not, it is reasonable to presume that no party would object to receive gold and silver for any amount he may be entitled to receive at our treasury. Upon the whole, without entering into an investigation of what must ultimately be the destination of the balance of this fund, now in our treasury, I will just observe, that the state nor any party interested in this fund, never contemplated a return of more than five hundred thousand dollars, and as that sum has all been drawn from the treasury except the balance of one hundred and eighty-four thousand seven hundred and sixteen dollars forty-seven and an half cents: so neither the state nor any other party ever contemplated that balance in any other light than as so much money; hence the exchange can neither disappoint nor injure any one.

DAVID B. MITCHELL.

Original amount of the deposit,			500,000
Deduct amount of warrants drawn by the governor in favor of persons applying for a return of the deposit, viz: Amount of said warrants taken in by J. Berrien, while treasurer	63,423 87 1-3		
Ditto—E. Mounger, while treasurer	247,271 26 1-2		
			310,695 13 10-12
Leaves dollars			189,304 86 2-12
Deduct the deficit of John Berrien, former treasurer,			4,588 38 2-3
Balance,			184,716 47 1-2
Which balance is composed of the following, viz:			
Bank notes	89,233 13		
Gold,	5,850 24		
Crowns and dollars,	1,040 40		
		96,123 77	
Governor's warrants,	29,473 46 3-4		
President and speaker's warrants,	9,031 23		
President of the Convention's do.	68 00		
A joint and approved resolution,	574 60 3-4		
		39,147 20 1-2	
Stock of the U. States,		49,445 50	
			184,716 47 1-2

The Catacombs of Paris.

From the Journal de l'Empire, Monday, May 20.

In the course of ten or a dozen centuries, the catacombs* of Paris, may, like those of ancient Rome, give rise, without some record of their formation, to a multiplicity of vague conjectures, and elaborate disquisitions. Though the subject does not at present excite much interest or curiosity, yet I will venture to solicit the attention of my readers to an attempt at a description of the origin, progress, and present state of these melancholy mansions, with a view to supplying the future historian and antiquary with facts, and sparing them the trouble of engaging in wild speculations and endless disputes.

The catacombs† of Rome are long subterraneous avenues formed in all probability by the extraction of the stone and sand for the construction of houses and public edifices. It is a well known fact that in the times of persecution those excavations afforded an asylum to the primitive christians. Vast collections of human bones, and the ruins of tombs, the production of much skill and labor, have been discovered in them. Many that had escaped the ravages of time, have been abstracted, and many yet remain. The church of Rome had its reasons for inculcating a belief that *all* the bones found in those receptacles were the reliques of saints and martyrs. The Protestants, on the contrary, affirm, that they are the profane remains of gladiators and criminals who had died an ignominious death; and some authors an intermediatory theory.

The Protestants, in affirming that the catacombs were actually used for the sepulture of those for whom the community would not be at the expense of providing a faggot or a grave, such as slaves, gladiators, and wretches condemned, whether guilty or innocent, to die by the hands of the executioner, or to be devoured by wild beasts; admit at the same time that such was the state of things, that numerous instances may have occurred of martyrs having been interred in the same burial places with criminals and the outcasts of society, for the purpose of vilifying the christian character and profession, and branding the memory of such as had constancy enough to suffer martyrdom. Hence the veneration of christians for places previously abhorred and execrated—the habit they acquired of retiring thither in the times of relentless persecution, of celebrating in them the holy mysteries of their religion—of burying their dead in them with more or less pomp, as their confidence of security or their apprehension of danger predominated; and hence also so many reliques, which the Catholics consider as canonical, and which the Protestants deem apocryphal.

Our catacombs, like those of the Romans, are formed in the excavations of old quarries; and though they have not been used for the intended purpose till within these few months, they have remained nearly in their present state, upwards of five and twenty years. Much inconvenience had been, for ages, experienced at Paris, perhaps more than elsewhere, from the custom which had prevailed, from time immemorial, of burying the dead in the midst of the town, and even under the pavement of churches. The complaints on this, as upon many other subjects, were urged with redoubled force about the middle of the 18th century. Certainly nothing could be more deeply tinctured with barbarism—nothing more incompatible with a good police than the existence of such a practice; but in justice to our predecessors of the last century, it must be admitted that they did not establish the custom; they are blame worthy

* Anciently the word *catacomb* was only understood of the tombs of St. PETER and St. PAUL, *chambers.*

† The learned lexicographer just quoted gives the following description of these excavations: "Catacombs are subterraneous cavaties for the burial of the dead, of which there are a great number about 3 miles from Rome, supposed to be the caves and cells where the primitive christians hid and assembled themselves, and where they interred the martyrs, which are accordingly visited with devotion." And ADDISON, in his Travels, "On the side of Naples are the catacombs, which must have been full of stench, if the dead bodies that lay in them were left to rot in open niches."

only inasmuch as they neglected, for a time, to set heartily about the abolition of it, knowing as they did, that it had been introduced, in some measure by accident. Indeed all the cemeteries that I have seen in Paris, had been at their institution purposely situated beyond the limits of the town. This wise custom, borrowed from the most ancient of the Roman laws, was so strictly observed in the early periods of the monarchy, that St. Eloi directed the church of St. Paul to be built on the right bank of the Seine, in the quarter of the suburbs which still bears his name, to be used as a place of interment for the religieuses of a monastry which that saint had founded within the city. The cemetry of the Innocents, the common burial place of the original Parisians, was in like manner situated in the country at the period when Philip Augustus caused it, to use a figurative expression, to come into the town, the limits of which he greatly enlarged, and in process of time, the rest of the cemetries in the vicinity became incorporated with the city.

In order to check the evil, the Parliament of Paris, in 1763, promulgated a law, very salutary no doubt for the living, but, it must be acknowledged, highly indecent with reference to the dead. This arret, which was not carried fully into effect at the time, enjoined, however, the immediate shutting up of the the Innocents, the oldest of all, the most used for interment, and against which the greatest clamor was raised, and the strongest remonstrances were deservedly made. This burial place continued shut up for many years. At length it was conceived that there could be no impropriety in offering the ground to sale, for a public market. But those who made the proposition had forgot that cemetries were consecrated places, and that they could not be sold for a price, or converted into profane uses, without the special permission of the ecclesiastical authority.—The church required, as a preliminary step, that the bones which time had not wholly consumed should be taken up and deposited in ground which had undergone the ceremony of consecration. The remains of human bodies were still so considerable in the sepulture of the Innocents that no other places under the requisite qualification could be found sufficiently capacious for the reception of the bones, without being entirely filled, or greatly encumbered —Mr. Lenoir, the then superintendant of the police, suggested the expedient of depositing the bones in an old quarry, situated between the barrier d'Enfer and that of St. Jacques, under an extensive plain called la Tombe Isoire.

The inspector general of the quarries was directed to arrange this new cemetery, or more properly, these catacombs, and the very reverend the grand Vicars of his grace the Archbishop of Paris accordingly attended to consecrate it on the 7th of April, 1786. This ceremony was solemnly performed in the presence of the lieut. gen. of police, and an immense concourse of people; after which Messrs. Legrand and Molinos proceeded to the exhumation and removal of the bones—an operation of no small difficulty, and requiring great care and caution to preserve the twofold objects of health and decency.

Since that time the bones contained in several other sepultures, which had been previously suppressed by authority, have been removed to the new ossuary, as also a great quantity of those which had been deposited in the different churches, convents and cloisters, at the period of the almost general demolition of those edifices.

The persons employed in the conveyance and deposition of the bones in the catacombs, contented themselves, at first, without any regard to regularity, except the formation of a distinct heap from the produce of each successive exhumation.

The prefect of the Seine has within these two years adopted a new and improved arrangement in those dark and dreary abodes. M. Hericart de Thury, engineer in chief to the imperial corps of miners, and inspector-general of quarries, and who is charged, in the latter capacity, with the planning and superintendance of the catacombs, has intimated his intention of publishing a detailed account of the alterations and improvements that have taken place since his appointment to that office.

The subjoined is a short description of the catacombs, which the public are permitted to visit, subject, however, to suitable rules and regulations:

You are conducted to the entrance of this immense charnel house, by an open stair-case in the area of the buildings contiguous to the barrier d'Enfer, on the west side of the road leading from Paris to Orleans. This stair-case is of the spiral form, commodious, and well constructed, and descends perpendicularly upwards of fourscore feet under the surface of the earth. You then wander with your guides a full quarter of an hour along the windings of a passage (*Gallerie,*) varying considerably in width and in height, but every where more spacious than the avenues of the Roman catacombs. The sides of the passages as well as the roofs are formed partly of rough hewn-stones and partly of the solid rock. At intervals, on the right and left, vast excavations present themselves. These quarries like those in which the vaults of the observatory are made, would communicate with an infinite number of others beneath Montrouge, and under the suburb of St. Jacques, if care had not been taken to cut off the various communications, which dark and intricate as they are, the smugglers contrived to use them as places of concealment for themselves and their contraband goods.

With respect to the catacombs, properly so called, they are comprehended in a vast inclosure separated from the ossuaries, and closely shut up. The principal entrance to them has a sort of vestibule in front, and is ornamented with two pilastres of the Tuscan order, on each of which you read a religious inscription, the same I think that was composed for the gate of the cemetery of St. Sulpice:

Has ultra metas
Requiescunt,
Beatam spem expectantes.
"Beyond these Columns,
They rest in Peace,
Waiting for a
Blessed Immortality."

In the interior the long passages and innumerable recesses are lined (*tapissees*) with human bones; the larger such as skulls, spines and thigh-bones, being uniformly placed in front, and formed in compartments, support the smaller which are thrown behind, and constitute the melancholy walls. Such of my readers as have made an excursion into those provinces where the use of charnal-houses in burial places is still preserved, will be able to form a correct idea of the species of Mosaick to which I allude. It may be observed that in the dark and damp quarries the bones do not blanch.

The number of the dead, whose bones have been removed to the new receptacle, is estimated at more than *two millions* of individuals! The walk which I took among them seemed to exceed the fourth part of a league. Tablets are placed here and there to indicate the various places from which each particular mass of bones had been conveyed. In several of the recesses altars are formed, some of them resembling those that are used in churches, others of antique shape, and many uncouthly made of bones ce-

mented with mortar. In numberless places you find expressed in black characters on a white ground, epitaphs, sentences in prose and rhyme, some of them religious, some moral, and others philosophical, and all in conformity to the tenants of some system of religion or other. Thus, after meeting at the entrance with the inscription above cited, expressive of the hope of a life to come, you read on returning from the subterranean cavities, this celebrated passage, extracted from the Georgics?

Felix qui potzit rerum cognoscere causas,
A que motus omnus et inexorable fatis
Subjecit pedebus strepetumque Acherontis czari!

"Happy the man, who, studying natures laws,
Through known effects can trace the secret cause;
His mind possessing in a quiet state—
Fearless of fortune, and resigned to fate!"

DRYDEN.

Events of the War.

MILITARY.

Accounts from Georgia mention that major-gen. Pinckney had set off to take command of the troops destined for Florida, with a view to occupy it for the United States.

The United States 18th regiment of infantry are said to have been ordered to St. Mary's on the southern frontier, where our affairs are daily assuming a more important aspect.

We learn from Ohio, that general Winchester, with his detachment of troops, had moved from Fort Defiance to the rapids of the Miami of the lakes. The whole of the rest of the North-Western army were, it was expected, about to proceed to the same place. It is probable that they will soon see Detroit.

Head-quarters, camp near Buffalo, Dec. 3.

GENTLEMEN—Your letter of the 2d Dec. is before me, and I answer it in the following manner:

On the 26th October, I ordered that 20 scows should be prepared for the transportation of artillery and cavalry, and put the carpenters of the army upon that duty.

By the 26th of Nov. 10 scows were completed, and by bringing some boats from Lake Ontario, above the falls of Niagara, the number was increased to 70.

I had on the 12th Nov. issued an address to the men of New-York, and perhaps 300 had arrived at Buffalo. I presumed that the regular troops, and the volunteers under colonels Swift and M'Clure, would furnish 2360 men for duty; and of gen. Tannehill's brigade from Pennsylvania, reporting a total of 1650, as many as 412 had volunteered to cross into Canada. My orders were to "cross with 3000 men at once." I deemed myself ready to fulfil them.

Preparatory thereto, on the night of the 27th of Nov. I sent over two parties, one under lieut. colonel Boerstler, the other under capt. King, with whom lieut. Angus, of the navy, at the head of a body of seamen, united. The first was to capture a guard and destroy a bridge about 5 miles below Fort Erie: the second party were to take and render useless the cannon of the enemy's batteries, and some pieces of light artillery. The first party failed to destroy the bridge—the second, after rendering unserviceable the light artillery, separated by misapprehension. Lieut. Angus, the seamen, and a part of the troops, returned, with all the boats, while capt. King, capt. Morgan, capt. Sproul, lieut. Houston, and about 60 men, remained. The party thus reduced, attacked, took, and rendered unserviceable two of the enemy's batteries, captured 34 prisoners, found two boats, in which capt. King sent the prisoners and about half his party with the other officers; he himself remaining with 30 men, whom he would not abandon.

Orders had been given, that all the troops in the neighborhood should march, at reveillee, to the place of embarkation. A part of the detachment sent in the night returned and excited apprehensions for the residue, about 250 men, under the command of col. Winder, suddenly put off in boats for the opposite shore; a part of this force had landed, when a force deemed superior, with one piece of artillery, was discovered; a retreat was ordered, and col. Winder's detachment suffered a loss of 6 killed and 19 wounded, besides some officers.

The general embarkation commenced as the troops arrived—but this being a first embarkation, the whole of the scows were occupied by about one third of the artillery, while about 800 regular infantry, about 200 twelve months volunteers, under colonel Swift, and about 200 of the militia who had volunteered for a few days, occupied all the boats that were ready. The troops then embarked, moved up the stream to Black Rock without loss, they were ordered to disembark and dine.

I had received from my commanding general an instruction in the following words—"in all important movements you will, I presume, consider it advisable to consult some of your principal officers." I deemed this equivalent to an order; and the movement important. I called for the field officers of the regulars and twelve months volunteers embarked. Colonel Porter was not found at the moment. These questions were put—*Is it expedient* now *to cross? Is the force we have sufficient to conquer the opposite shore?*

The first question was decided in the negative by colonels Parker, Schuyler, Winder, lieut. colonels Bœrstler, Coles, and major Campbell, col. Swift alone gave an opinion for then crossing over.

The second question was not decided. Colonels Parker, Schuyler, lieutenant-colonel Coles and major Campbell were decidedly of opinion that the force was insufficient. Colonels Winder, Swift, lieutenant-colonel Boerstler, and captain Gilman, deemed the force sufficient.

I determined to postpone crossing over until more complete preparation would enable me to embark the whole force at once, the counsel prescribed by my orders. The next day was spent in such preparation, and the troops were ordered to be again at the place of embarkation at 8 o'clock on the morning of the 30th of November. On their arrival they were sent into the adjacent woods, there to build fires and remain until 3 o'clock, A. M. of the 1st of December, when it was intended to put off two hours before day-light, so as to avoid the enemy's cannon in passing the position which it was believed they occupied below, to land above Chippeway, assault that place, and, if successful, march through Queenston for Fort George. For this expedition the contractor was called on to furnish rations for 2500 men for four days, when it was found he could furnish the pork, but not the flour, the deputy quarter-master called for 60 barrels and got but 35.

The embarkation commenced, but was delayed by circumstances, so as not to be completed until after day-light, when it was found the regular infantry, 688 men, the artillery 177 men, Swift's volunteers, estimated at 236, companies of federal volunteers, under capts. Collins, Phillips, Allison, Moore, Maher and Marshall, amounting to 276 men, commanded by lieut. col. M'Clure, 100 men of col. Dobbin's militia, and a few men in a boat with gen. P. B. Porter had embarked—the whole on board amounting, exclusive

of officers, to 1465 men, or thereabouts: and it was two hours later than had been contemplated.

There were some groups of men not yet embarked; they were applied to, requested and ordered by the brigade major to get into their boats—they did not. The number of these the brigade-major estimated at about 150. It was probably greater.

It then became a question whether it was expedient to invade Canada in open day-light, with 1500 men, at a point where no reinforcement could be expected for some days. I saw that the number of the regular troops was declining rapidly—I knew that on them chiefly I was to depend.

I called together the officers commanding corps of the regular army. Col. Parker being sick, those present were col. Porter of the artillery, col. Schuyler, col. Winder and lieut. col. Coles.

I put to them this question:—*Shall we proceed?* They *unanimously* decided that we ought not.

I foresaw that the volunteers who had come out for a few days, would disperse—several of them had on the evening of the 28th broke their muskets. I foresaw that the number of the regular troops would decrease; the measels and other diseases, being among them; and they were now in tents in the month of December. I informed the officers that the attempt to invade Canada would not be made until the army was reinforced; directed them to withdraw their troops, and cover them with huts immediately.

You say that on Saturday every obstruction was removed, and that a landing might have been effected "without the loss of a single man." This proves you unacquainted with the occurrences of the day. Col. Winder, in returning from the enemy's shore in the morning, lost a tenth part of his force, in killed and wounded. The enemy shewed no more than 5 or 600 men, as estimated by col. Parker, and one piece of artillery, supposed a nine pounder. That force, we no doubt might have overcome; but not without loss; and that, from the great advantage the enemy would have had, might have been considerable.

To recapitulate:—My orders were to pass into Canada with 3000 men *at once*. On the first day of embarkation not more than 1100 men were embarked, of whom 400, that is, half the regular infantry, were exhausted with fatigue, and want of rest. On the second embarkation, only 1500 men were embarked, and these were to have put off immediately, and to have descended the river to a point where reinforcements were not to be expected. On both days, many of the regular troops were men in bad health, who could not have stood one days march; who, although they were on the sick report, were turned out by their ardent officers.

The affair at Queenston is a caution against relying on crowds who go to the bank of Niagara to look on a battle as on a theatrical exhibition; who if they are disappointed of the sights, break their muskets: or if they are without rations for a day desert.*

I have made to you this frank disclosure without admitting your authority to require it, under the impression that you are patriotic and candid men; and that you will not censure me for following the cautious counsels of experience; nor join in the senseless clamor excited against me by an interested man.

I have some reasons to believe that the cautious counsel given by the superior officers of my command was good. From deserters we learn, that 2344 rations are issued daily on the frontiers, on the British side. Capt. King, prisoner at Fort George, writes to an officer thus—"*tell our friends to take better care of themselves than it appears I have done.*"

I am, gentlemen, with great respect, your most obedient,

ALEXANDER SMYTH,
Brigadier-general.

To Messrs. Geo. M'Clure, Lewis Birdsall, John Griffen and Wm. B. Rochester, a committee from the patriotic citizens of the western counties of New-York.

P. S. It will be observed that the force *ready* could be no otherwise ascertained than by an *actual* embarkation—it being uncertain what portion of the volunteer force would embark.

BUFFALOE, Dec. 8.

To the Editor of the Buffalo Gazette.

SIR—A friend has just handed me the proof-sheet of your paper of this morning, in which is contained what purports to be general Smyth's *official* account of the affairs of the 28th of November and 1st of December.

I beg that you will suspend the publication so long as to assure the public that in your next, I will give a *true* account of some of the most prominent transactions of those days.

When our lives, our property; when the precious and dear-bought gift of our ancestors—the sacred honor of our country; when every thing that we prize as men, or ought to hold dear as patriots, are falling and fading before us, it is time to speak out, whatever be the hazard.

In ascribing, as I shall not hesitate to do, the late disgrace on this frontier, to the cowardice of general Smyth, I beg to be understood as not intending to implicate the characters of the officers whose opinions he has brought forward to bolster up his conduct. *Several* of them I know to be as brave men as ever wielded a sword; and their advice, if indeed they gave the advice imputed to them, may be accounted for in the obvious consideration, with which every one who *saw* him must have been impressed, that any military attempt under *such* a leader, must, in all human probability, prove disgraceful. Your very humble servant,

PETER B. PORTER.

Copy of a letter from major-general Samuel Hopkins to his excellency governor Shelby.

"On Wabash, near the mouth of Pine Creek, Nov. 27, 1812.

MY DEAR SIR—By col. Richard Taylor, quartermaster general, who goes on as quick as possible to Frankfort, I have it in my power to give you general information of the movements of the army since my last.

On the 11th the army marched from Fort Harrison on the road formerly made by governor Harrison's army, and the boats set out at the same time. The length of time the enemy had expected us made it necessary to guard ourselves in an especial manner. The rise of the waters, from the heavy fall of rain preceding our march, and some large creeks, left us no doubt of considerable difficulty and embarrassment; insomuch that not until the 14th did we pass Sugar creek, three miles above the road.

From every information, I had no hesitation in moving on the east side of the Wabash. The Vermillions, Pine creek, and other impediments on the west side, superadded to the presumption that we were expected, and might more easily be annoyed and ambuscaded on that rout, determined me in this measure. The boats too, with our provisions of rations, forage and military stores, could be more

*Six hundred of gen. Tannehill's brigade deserting in twenty four hours. A court martial of this brigade have fined a man *twelve and a half cents*, for the crime of desertion!

easily covered and protected, as the line of march could be invariably nearer the river. Lieutenant-colonel Barbour, with one battalion of his regiment, had command of the 7 boats, and encamped with us on the bank of the river almost every night. This so protracted our march that we did not reach the Prophet's town until the 19th. On the morning of this day I detached 300 men to surprize the Winebago town lying on Ponce Passu creek, one mile from the Wabash and four below the Prophet's.—This party, commanded by general Butler, surrounded the place about break of day, but found it evacuated. There were in the main town about forty houses, many of them from 30 to 50 feet in length, besides many temporary huts in the surrounding prairie, in which they had cultivated a good deal of corn. On the 29th, 21st and 22d we were embarked in the complete destruction of the Prophet's town which had about 40 cabins and huts, and the large Kickapoo village adjoining below it on the west side of the river, consisting of about 160 cabins and huts; finding and destroying their corn, reconnoitring the circumjacent country, and constructing works for the defence of our boats and army. Seven miles east of us, on the Ponce Passu creek, a party of Indians were discovered; they had fired on a small party of ours on the 21st and killed a man by the name of Dunn, a gallant soldier in captain Duval's company. On the 22d upwards of 60 horsemen, under the command of lieutenant-colonels Miller and Wilcox, anxious to bury their comrade as well as gain a more complete knowledge of the ground, went on to a point near the Indian encampment, fell into an ambuscade, and 18 of our party killed, wounded and missing. Among these are three hopeful young officers and one private from the 8th (Wilcox's) regiment, viz. Mars, Edwards, Murray, and the private Webb, presumed to be killed; the other 14 were of the rangers. On the return of this party, and the information of a large assemblage of the enemy, who, encouraged by the strength of their camp, appeared to be waiting for us, every preparation was made to march early and engage the enemy at every risque; when, from the most violent storm and fall of snow, attended with the coldest weather I ever saw or felt at this season of the year, and which did not subside until the evening of the 23d, we were delayed until the 24th. Upon arriving on the ground, we found the enemy had deserted their camp before the fall of the snow, and passed the Ponce Passu. I have no doubt but their ground was the strongest I ever have seen—the deep rapid creek spoken of was in their rear, running in a semicircle, and fronted by a bluff 100 feet high, almost perpendicular and only to be penetrated by three steep ravines. If the enemy would not defend themselves here, it was evident they did not intend fighting at all. After reconnoitring sufficiently, we returned to camp, and found the ice so accumulated as to alarm us for the return of the boats. I had fully intended to have spent one more week in endeavoring to find the Indian camps; but the shoeless, shirtless state of the troops, now clad in the remnants of their summer dress; a river full of ice; the hills covered with snow; a rigid climate, and no certain point to which we could further direct our operations; under the influence of the advice of every staff and field officer, orders were given and measures pursued for our return on the 25th.

We are now progressing to Fort Harrison through ice and snow where we expect to arrive on the last day of this month. From Vincennes I shall have the honor of addressing your excellency again; but before I close this, I cannot forbear expressing the merits of the officers and soldiers of this command. After leaving Fort Harrison all unfit for duty, we had in privates of every corps about one thousand—in the total twelve hundred and fifty or thereabout. At the Prophet's town, upwards of one hundred of these were on the sick report. Yet, sir, have we progressed in such order as to menace our enemy, free from any annoyance; seven large keel-boats have been covered and protected to a point heretofore unknown in Indian expeditions; three large Indian establishments have been burnt and destroyed, with near three miles of fence, (and all the corn, &c. we could find) besides many smaller ones; the enemy have been sought in their strong holds, and every opportunity afforded them to attack or alarm us; a march on the east side of the Wabash, without road or cognizance of the country, fully one hundred miles perfected; and this has been done with a naked army of infantry, aided by only about fifty rangers and spies. All this was done in twenty days—no sigh, no murmur, no complaint.

I certainly feel particular obligations to my friends general Butler and colonel Taylor, for their effectual and ready aid in their line; as also to captain Z. Taylor, of the seventh United States regiment; Messrs. Gist and Richeson, my aids-de-camp, and major J. C. Breckenridge, my secretary, for a prompt and effectual support in every instance. The firm and almost unparalelled defence of Fort Harrison, by captain Z. Taylor, has raised for him a fabric of character not to be effaced by my eulogy. To colonel Barbour, for his officer-like management, in conducting and commanding the boats, my thanks are due, as also to colonels Miller and Wilcox, and to majors Hughes and Shacklet, and to the captains and subalterns of the army generally. From lieutenants Richeson, Hawkins and Sullivan of the United States troops, I have to acknowledge my obligations for their steady and uniform conduct, as well as captain Beckers, of the rangers, captain Washburn, of the spies, and the staff generally.

Let me refer your excellency to colonel Taylor for more minute information; and believe me with high regard and consideration, to be, your most obedient servant, SAMUEL HOPKINS.

From the London Gazette Extraordinary.

DOWNING-STREET, Oct. 6th, 1812.

Captain Goore, aid-de-camp to lieutenant-general sir George Prevost, governor in chief of his majesty's provinces in North America, arrived this morning with dispatches from the lieutenant-general, addressed to earl Bathurst, one of his majesty's principal secretaries of state, of which the following is an extract and a copy.

MONTREAL, Aug. 26.

MY LORD—I feel the greatest satisfaction in transmitting to your lordship a letter which I have this day received by express from major-general Brock, announcing to me the surrender of Fort Detroit, on the 16th inst. by brigadier-general Hull with the army under his command, exceeding two thousand five hundred men, together with twenty-five pieces of ordnance.

In my dispatches of the 17th and 24th instant, I had the honor of detailing to your lordship the operations which had taken place in Upper Canada, in consequence of the invasion of that province by the army of the United States. Brigadier-general Hull, having crossed the Detroit river on the 12th of last month, with two thousand three hundred men, consisting of regular cavalry and infantry, and militia, bringing with him several field pieces; and having driven in the militia towards Amherstsburg, first advanced to Sandwich, and afterwards approached Amherstsburg, with a part of his army to the river

Canard, about five miles from the fort, where he was foiled in three attempts to cross that river, and suffered a considerable loss. The garrison of Amherstsburg consisted at that time of a subaltern's detachment of the royal artillery, commanded by lieutenant Troughton; of a detachment of three hundred men of the forty-first regiment, under the command of captain Muir; and of about as many of the militia; the whole under the command of lieutenat-colonel St. George, inspecting field officer of militia in the district.

General Brock relying upon the strong assurances I had given him, of a reinforcement, as prompt and as effectual as the circumstances under which I was placed, by this new war, would permit me to send, adopted the most vigorous measures for the safety of that part of the frontier which had been attacked.—In these measures he was most opportunely aided by the fortunate surrender of Fort Michilimacinac, which giving spirit and confidence to the Indian tribes in its neighborhood, part of whom assisted in its capture, determined them to advance upon the rear and flanks of the American army, as soon as they heard that it had entered the province.

The certainty of the expected reinforcements, and the weakness of the enemy on the Niagara frontier, had in the mean time, induced general Brock to detach from the garrison of Fort George, fifty men of the forty-first regiment under captain Chambers, into the interior of the country for the purpose of collecting such of the Indians and militia as might be ready to join him, and of afterwards advancing upon the left flank of the enemy. Sixty men of the same regiment were also detached from the garrison to Amherstsburg, and forty to Long Point to collect the militia in that quarter. Having made these dispositions, and having previously sent forward colonel Proctor, of the forty-first regiment to Amherstsburg—where he arrived and assumed the command on the 26th of last month—general Brock proceeded himself from York on the 5th inst. for Fort St. George and Long Point on lake Erie, which last place he left on the 8th following for Amhersthurg, with forty rank and file of the forty-first regiment, and two hundred and sixty militia forces.

Whilst general Brock was thus hastening his preparations for the relief of Amhurstsburg, the prospects of the American army under general Hull were becoming every day more unfavorable, and their situation more critical. The intelligence of the fall of Michilimacinac had reached them, which they knew must expose them to an attack of the Indians in the one quarter, at the same time that they were threatened in another by the force approaching under capt. Chambers. An Indian tribe of the Wyandotts, whom they had in vain attempted to bribe, aided by a detachment of the 41st regiment from Amherstburg, had succeeded in cutting off their supplies on the opposite side of the river, and intercepting their dispatches, which described in very strong terms their apprehensions and despondency. The losses they had sustained in their different actions upon the Canard river, as well as those for protecting their supplies, together with the mode of warfare pursued by the Indians, had greatly discouraged and dispirited them, and had convinced gen. Hull how hopeless any attempt would be to storm Fort Amherstburg, without great reinforcements and a battering train.

It was under these circumstances at this critical period when the enemy were beginning to consult their security by entrenching themselves, that gen. Brock entered Amherstburg with a reinforcement, which he was fortunately enabled to do on the 12th inst. without the smallest molestation, in consequence of our decided naval superiority on the lakes To his active and intelligent mind the advantages which his enemy's situation afforded him over them, even with his very inferior force, became immediately apparent; and that he has not failed most effectually to avail himself of those favorable circumstances, your lordship will, I trust, be satisfied, from the letter which I have the honor of transmitting.

Having thus brought to your lordship's view, the different circumstances which have led to the successful termination of the campaign on the western frontier of Upper Canada, I cannot withhold from major-general Brock the tribute of applause so justly due to him for his distinguished conduct on this occasion, or omit to recommend him, through your lordship, to the favorable consideration of his royal highness the prince regent, for the great ability and judgment with which he has planned, and the promptitude, energy and fortitude with which he has effected, the preservation of Upper Canada, with the sacrifice of so little British blood in accomplishing so important a service.

My aid-de-camp, capt. Coore, will have the honor of delivering to your lordship this dispatch; and as he is well qualified to give your lordship information respecting the military resources of this command, I shall beg leave to refer your lordship to him for farther particulars. I have the honor, &c.

(Signed) GEORGE PREVOST.

Head-quarters, Montreal, Sept. 1, 1812.

My lord—Since I had the honor of transmitting to your lordship my letter of the 26th ult. in charge of my aid-de-camp, captain Coore, I have received from major-general Brock a dispatch, of which the inclosed is a copy, containing the particulars of brig. gen. Hull's invasion of Upper Canada, which has terminated most gloriously to his majesty's arms, in that officer's defeat and surrender as a prisoner of war, with the whole of the north-western army, together with the fort Detroit, and 33 pieces of ordnance.

I forward this dispatch express, in the expectation of its reaching capt. Coore previously to his leaving Canada, which, with the colors of the 4th U. States regiment accompanying it, I trust that officer will have the honor of delivering to your lordship. I have the honor to be, &c.

GEORGE PREVOST.

To the right honorable Earl Bathurst.

Head-quarters, Detroit, August 7.

Sir—I have had the honor of informing your excellency, that the enemy effected his passage across the Detroit river on the 12th ult. without opposition, and that after establishing himself at Sandwich, he had ravaged the country as far as the Moravia town. Some skirmishes occurred between the troops under lieutenant-colonel St. George and the enemy upon the river Canard, which uniformly terminated in his being repulsed with loss. I had judged it proper to detach a force down the river Thames, capable of acting in conjunction with the garrison of Amherstburg offensively; but captain Chambers, whom I had appointed to direct this detachment, experienced difficulties that frustrated my intentions. The intelligence received from that quarter admitting of no delay, colonel Proctor was directed to assume the command, and his force was soon after increased with 60 rank and file of the 41st regiment.

In the mean time the most strenuous measures were adopted to counteract the machinations of the evil-disposed; and I soon experienced the gratification of receiving voluntary offers of service from that portion of the embodied militia the most easily col-

lected. In the attainment of this important point, gentlemen of the first character and influence shewed an example highly creditable to them; and I cannot on this occasion avoid mentioning the essential assistance I derived from John M'Donnell, esq. his majesty's attorney-general, who, from the beginning of the war has honored me with his services as my provincial aid-de-camp. A sufficiency of boats being collected at Long Point for the conveyance of 300 men, the embarkation took place on the 8th inst. and in 5 days arrived in safety at Amherstburg. I found that the judicious arrangement which had been adopted immediately upon the arrival of col. Proctor, had compelled the enemy to retreat and take shelter under the guns of his fort: that officer commenced operations by sending strong detachments across the river, with a view of cutting off the enemy's communication with his reserve. This produced two smart skirmishes on the 5th and 9th inst. in both of which the enemy's loss was very considerable, whilst our's amounted to 3 killed and 13 wounded; amongst the latter I have particularly to regret capt. Muir and lieut. Sutherland, of the 41st regiment; the former, an officer of great experience, and both ardent in his majesty's service. Batteries had likewise been commenced opposite Fort Detroit, for one 18 pounder, two 12's, and two 5 1-2 half inch mortars; all of which opened on the evening of the 15th (having previously summoned brigadier-ganeral Hull to surrender;) and although opposed by a well directed fire from seven 24 pounders, such was their construction, under the able directions of captain Dixon of the royal engineers, that no injury was sustained from its effect.

The force at my disposal being collected in the course of the 5th, in the neighborhood of Sandwich, the embarkation took place a little after day-light on the following morning, and by the able arrangements of lieut. Dewar of the quarter-master-general's department, the whole was in a short time landed without the smallest confusion, at Spring Well, a good position, 3 miles west of Detroit. The Indians who had in the mean time effected their landing 2 miles below, moved forwards and occupied the woods, about a mile and an half on our left.

The force which I instantly directed to march against the enemy consisted of 30 royal artillery, 250 41st regiment, 50 royal Newfoundland regiment, 400 militia, and about 600 Indians, to which were attached 3 six-pounders and 2 three-pounders. The services of lieut. Troughton, commanding the royal artillery, an active and intelligent officer being required in the field, the direction of the batteries was intrusted to captain Hall, of the marine department; and I cannot withhold my entire approbation of their conduct on that occasion.

I crossed the river with an intention of waiting in a strong position the effect of our force upon the enemy's camp, and in the hope of compelling him to meet us in the field; but receiving information upon landing that colonel M'Arthur, an officer of high reputation, had left the garrison 3 days before with a detachment of 500 men, and hearing soon afterwards that his cavalry had been seen that morning 3 miles in our rear, I decided on an immediate attack. Accordingly the troops advanced to within 1 mile of the fort, and having ascertained that the enemy had taken little or no precaution towards the land side, I resolved on an assault, whilst the Indians penetrated his camp. Brig. gen. Hull, however, prevented this movement by proposing a cessation of hostilities, for the purpose of preparing terms of capitulation. Lieut. col. John M'Donnell and capt. Glegg were accordingly deputed by me on this mission, and returned within an hour with the conditions which I have the honor herewith to transmit. Certain considerations afterwards induced me to agree to the two supplementary articles.

The force thus surrendered to his majesty's arms cannot be estimated at less than 2500 men. In this estimate col. M'Arthur's detachment is included, as he surrendered, agreeably to the terms of capitulation, in the course of the evening, with the exception of two hundred men, whom he left escorting a valuable convoy at some little distance in his rear; but there can be no doubt the officer commanding will consider himself equally bound by the capitulation.

The enemy's aggregate force was divided into two troops of cavalry; one company of artillery regulars; the fourth U. S. regiment; detachments of the first and third U. S. regiment, volunteers; three regiments of the Ohio militia; one regiment of the Michigan territory.

Thirty-three pieces of brass and iron ordnance have already been secured.

When this contest commenced many of the Indian nations were engaged in active warfare with the U. States, notwithstanding the constant endeavors of this government to dissuade them from it. Some of the principal chiefs happened to be at Amherstburg, trying to procure a supply of arms and ammunition, which for years had been withheld, agreeably to the instrustions received from Sir James Craig, and since repeated by your excellency.

From that moment they took a most active part, and appeared foremost on every occasion; they were led yesterday by col. Elliott and capt. M'Kee, and nothing could exceed their order and steadiness. A few prisoners were taken by them during the advance, whom they treated with every humanity; and it affords me much pleasure in assuring your excellency, that such was their forbearance and attention to what was required of them, that the enemy sustained no other loss of men than what was occasioned by the fire of our batteries.

The high sense I entertain of the abilities and judgment of lieut. col. Myers, induced me to appoint him to the important command at Niagara; it was with reluctance that I deprived myself of his assistance, but had no other expedient; his duties as head of the quarter-master-general's department were performed to my satisfaction by lieut. col. Nicholls, quarter-master-general of the militia.

Captain Glegg, my aid-de-camp, will have the honor of delivering this dispatch to your excellency; he is charged with the colors taken at the capture of fort Detroit, and those of the 4th U. S. regiment.

Captain Glegg is capable of giving your excellency every information respecting the state of this province; and I shall esteem myself highly indebted to your excellency to afford him that protection, to which his merit and length of service give him a powerful claim.

I have the honor to be, &c.

(Signed) ISAAC BROCK, *Major-Gen.*

P. S. I have the honor to enclose a copy of a proclamation, which I issued immediately on taking possession of this country.

I should have mentioned in the body of my dispatch the capture of the *Adams*; she is a fine vessel, and recently repaired, but without arms.

Knoxville, December 7, 1812.

East Tennessee Volunteers.—Agreeably to the plan proposed by col. John Williams, to raise a corps of volunteers to be employed on the Southern frontier, about forty or fifty active and enterprizing men assembled at this place on Tuesday last, and pitched their camp about half a mile from town, preferring at once to enter on the character of soldiers, though the weather was bad, to accepting the invitations

which every citizen was solicitous to offer. They were visited at their encampment by the farmers of the neighborhood, with tenders of provision and forage for themselves and horses. On Friday morning, their number having increased to one hundred and fifty, they took up their line of march by the Warm Springs and Buncombe Court-house, N.C. for St. Mary's Geo.; where it is their intention to offer their services to the commanding officer. It is ascertained that their number will exceed 200 before they pass the bounds of the state, as many are hastening preparations to follow and join the detachment. A finer looking company of men, or a company better armed, equipped and mounted, we have never seen. It is composed principally of the most conspicuous citizens of this section of the country—militia officers from the major-general of this division down to subalterns of companies, members of the legislature, attornies at the head of their profession, merchants, and citizens of the first respectability and wealth, are in the ranks.

When it is known that the requisition from this state of 1500 militiamen, for the defence of the lower country, and two regiments for the northern territories, has been by the governor ordered from West Tennessee, and consequently the probability of a call for men from this quarter being done away, a proper estimate may be made of the patriotism of those composing this detachment, who have preferred thus to encounter the privations of a winter campaign, at the end of a journey of several hundred miles, on their own expense, in search of dangers in the service of their country, to remaining at home in the enjoyment of their families and friends, and the pursuit of their profitable business.

Upon the suggestion that the few enrolled in this corps, who were not men of wealth, might suffer from the want of funds, the citizens of Knoxville, with their characteristic liberality, subscribed and paid into the hands of one of the company, 300 dollars, to be used for the relief of such as may not have made proper provision for the expense of the campaign.

RALEIGH, (N. C.) December 15.

The following is a tender of the services of the Patriotic Fathers of Mecklenburg county to his excellency the gover. o

Charlotte, Nov. 25.

SIR—By the unanimous resolution on yesterday, of the patriotic fathers of Mecklenburg county, it becomes my duty to present to you a tender of their services in defence of our much injured and insulted country, to any part of the state where you may deem it expedient; or when and wheresoever their services may be necessary in avenging the wrongs persisted in by our enemy.

Party spirit in politics, with these, my fellow-soldiers, is enveloped by the cloud of injuries and injustice pressed upon us by our proud, implacable and declared enemy.

They with one voice declare, that though they have scolded with one another, they will fight only against their enemies. Our hopes of an accommodation are nearly at an end, and do not feel in a temper of mind any longer to indulge them.

I am your obedient servant,

JAMES PORTER, Colonel.

Charlotte, (Mecklenburg county) Nov. 24.—The unexpected perseverance of our enemy, and the late misfortune of our van guards in the north-west, have swelled the number of veteran fathers to about four hundred men, in this county, whose second ardor threatens to rise in proportion to the pressure upon our beloved country, and the government which their services had eminently assisted to procure.

Of these patriotic old men, six companies are composed under captains James Porter, John Harris, Thomas Downs, John Secrest, S. Harris and Joseph Faires, who appeared in Charlotte this day with their men, on muster, organized themselves into a regiment of silver locks, and proceeded to elect their field officers, who are James Porter, col. William Hutchison and John Foster, majors.

NAVAL.

We have the daily satisfaction to observe the public tribute of *Englishmen* to the generous liberality that has marked the conduct of our seamen, as well in the public as in the private armed vessels. We are sorry that this commendable deportment is not reciprocated by the enemy, and are as often incensed at the harsh treatment of our people, unfortunate enough to fall into their hands. To put them into irons, to deny them a reasonable quantity of food, to rob them of their clothes and money, and all the little articles necessary to their comfort in a strange land, is the common practice (with a few honorable exceptions) of the *magnanimous* English. Captain *Decatur* in the most polite manner, refused the *sword*, but took the *hand* of captain *Carden*, late of the *Macedonian*—But sir *James Yeo* is desirous of breaking *Porter's* sword over his head—and the gallant captain *Jones*, late of the *Wasp*, was treated in the most haughty and contumelious manner by captain *Beresford*, of the *Poictiers*. His officers, in general, were plundered of every thing—and many of them returned to New-York without having changed any part of the dress they had on when they beat the *Frolic*. Captain *Dacres*, late of the *Guerriere*, in his official letter says:—

"I feel it my duty to state the conduct of captain Hull and his officers to our men, has been that of a brave enemy, the greatest care being taken to prevent our men's losing the smallest trifle, and the greatest attention being paid to the wounded."

In battle, and *after* battle, we are proud of our tars—for they beat the *English* as well in bravery as in generosity. In war, they have the hearts of lions—but the contest ended, and the *foe* subdued, they have the disposition of lambs—as the song says;

"In war, rugged war, have the heart of a lion,
"But the battle once ended, the soul of a lamb."

We are pleased to learn that a permanent arrangement has been made with the British at Halifax for the regular and immediate exchange of prisoners.

Twenty-nine men from the Bona privateer of Baltimore, boarded and carried a British ship of 800 tons and 22 guns, from Madeira. It is feared, however, the prize has been re-taken.

The privateer Blockade of New-York of 8 guns [we believe] has been captured by the British sloop of war Charybdis of 18 thirty-two pounders, after a dreadful action of one hour and twenty minutes, during which eight men were killed on board the privateer, and *twenty-eight* of the officers and crew of the Charybdis slain—many were wounded on both sides.

By the law of March last four new frigates to supply the places of the Philadelphia, New-York, Gen. Greene and Boston, were directed to built; and, we believe, some progress has been made in the work.

The common council of New-York have resolved that the freedom of the city be presented so com. *Decatur* in a gold box—that his portrait be procured to set up in the gallery belonging to the city, and that a public dinner be given to *Hull, Jones* and *Decatur*.

A resolution has been adopted by the house of delegates of Virginia, to present the thanks of the general assembly in the name of the commonwealth, with appropriate swords, to commodore *Decatur* and

lieutenants *Allen* and *Nicholson*, of the frigate United States, in honor of their late gallant exploit.

Capt. *Jones*, late of the Wasp, and the greater part of his officers and crew have arrived at Washington. It is understood they will be transferred to the late British frigate *Macedonian*.

It is stated that on board the *Macedonian* frigate were many impressed American seamen. One of these unfortunate men, named *Carr*, was killed in the engagement.

It appears that sir James Yeo of the Southhampton has completely stocked Jamaica with flour proceeding to Lisbon and Cadiz, under *Portuguese* and *Spanish* flags, and in licensed ships. So much was the market glutted that it had fallen from 35 to $8 per barrel.

Capt. Nash, from Halifax, has furnished a list of American vessels, armed and unarmed, captured and sent into Halifax since the commencement of the war. There are 24 of the former and 35 of the latter.

A secret—The British frigate *Hyperion* of 36 guns, lately boarded the cartel ship George Washington, from Liverpool, previous to which, however, she had torn down all her cabins, cleared her decks, manned her tops, &c. supposing it might be the *Essex*; the captain of the *Hyperion* observing "that it would not do to run alongside of an *American* frigate as he would a *French* one."

SEA FENCIBLES.—We are happy to learn (says the New-York Columbian) that a valuable and powerful body of volunteers under this title, composed of sailors and boatmen, is raising in this city, for the protection of the port for the term of one year, to be under the command of capt. *Jacob Lewis* (commonly called commodore Lewis.) The U. S. gunboats, of which there are about 40 on this station, are to be detached from the navy, and put under the command of the commodore, or colonel, the whole under the direction of gen. Armstrong. The warrant officers now attached to the boats, we understand, will retain their places, and receive additional pay from the state during the time they are in actual service. The recruiting for this marine militia goes on briskly, and we have the fullest confidence in the bravery, skill and efficiency of this corps, when completed in their numbers and discipline, in defence of this important section of the country.

The British brig Plumper, went a-shore and was totally lost, on Point Lapro, thirty miles from Eastport, on the 5th instant. She was from Halifax for St. Johns, with about $ 150,000 on board, none of which was saved. Of one hundred men that composed her crew, all were lost, the captain and eleven others, excepted.

The British privateer Liverpool Packet has again made her appearance on our eastern coast, and captured several vessels. An armed sloop has gone in search of her.

An *American* privateer has made her appearance in the British channel to the great annoyance of the enemy. They may expect many visits from our enterprising tars in the very mouths of their harbors.

The house of representatives of Pennsylvania, have voted the building of a frigate for the use of the United States—yeas 70, nays 20.

PLEASING INCIDENT.

We are informed that a few days since, on its being made known to the secretary of the navy that the crew of the United States ship Wasp had arrived at the navy yard in this city, he, accompanied by their gallant commander capt. JONES, the commandant of the yard and other navy officers, had these brave fellows assembled, and after a short but pertinent address, in which he assured them of the approbation and protection of their country, the secretary observed that as all of them were brave, he must be allowed to take each one by the hand. This was done most readily, and while these honest fellows extended the salute to every officer present, it was easily to be discovered on their approaching their commander capt. Jones, that they not merely respected but *loved him*.

Captain Jones was then required by the secretary to allow to these brave men every reasonable indulgence as to money and time, having regard to proper discipline. This has been conformed; and while these worthy tars have been recreating, not an instance of disorderly conduct has occurred; for the brave are always prudent and circumspect.

Nat. Int.

New-London, Dec. 16.—Captain Carden speaks in equal terms of approbation of the conduct of commodore Decatur, and his officers, [alluding to *Dacres* official report.] All the private property of the officers and men, on board the Macedonian was given up; that claimed by captain Carden including a band of music, and several casks of wine, was valued at about $800, which the commodore (whose soul is as liberal as brave) paid him for. Generosity could not have been more properly applied. Capt. Carden has been distinguished for his civilities to such Americans as he met at sea before the war.—His noble liberality, and consoling attention to captain Bolles and crew, of this place (who were driven from the coast last winter, and in danger of perishing) gives him a title to all the respect and attention the requirements of war will admit.

CHARLESTON, Dec. 5.

Extract of a letter from Columbia, dated December 2.

The committee who have had under consideration the subject of building a frigate, have reported that is expedient to build a ship of the line, and present the same to the United States. It is expected that this generous example of South Carolina will not be set in vain. We are disposed to shew the Eastern section of the Union, what is our opinion upon the subject of a navy. It can be but conjecture to hazard an opinion what may be the sense of the house on the subject. The committee upon the subject, were nearly unanimous, there being but one dissenting voice.

"*St. Barts, Dec.* 1, 1812.—Two days ago his Britannic majesty's schooner Subtle, in chase of the American privateer Favorite, Miller, upset in a squall, and before the privateer could get to her assistance not a vestige was to be seen except a few hammocks."

NAVAL PROMOTIONS.

[When we inserted a little notice of Captain Morris, in page 222, we were not apprised that his promotion had given offence to, or wounded the feelings of any other officer. The following statement and remonstrance of *James Lawrence*, Esq. master and commandant of the sloop of war Hornet, as good an officer as any in the service, is full of interest.]

United States' ship Hornet, Oct. 10, 1812.

SIR—I am much gratified by a report of your return to Washington, and hasten to address you, as guardian of our rights, on a subject that nearly concerns me, as well as others of my grade in service. It has for some time been currently reported in this city (and in fact I have seen letters from Mr. Goldsborough that strengthen the report) that lieutenant Morris was to be promoted to the rank of captain in the navy, in consequence of his conduct on board the Constitution, in the late action with the Guerriere. I have the most exalted opinion of lieutenant Morris, of course can have no wish to detract from his merits; but after the most mature consideration, I cannot discover wherein his exertions, as first lieutenant, entitle him to the rank to which he is, I understand, about to be promoted. The appointment of master and commander, would, in my opinion, amply compensate him; and, as far as I can judge, give universal satisfaction. I have consulted with commodore Rodgers, who fully agrees with me in my opinion, and has authorised me to make use of his name in my communication to you on the subject. Commodore Bainbridge's sentiments on the occasion I presume you are acquainted with, as he informs me that he has written you. I am fearful you will consider my remonstrance as improper, but trust, on taking my feelings into consideration, you will make every allowance when I inform you that my friends coincide with me in thinking

that the promotion of lieutenant Morris to the grade I first mentioned, bears peculiarly hard on me, as I was first lieutenant with the now commodore Decatur at the time he destroyed the frigate Philadelphia, at that time if not now, thought as much of as the capture of the Guerriere, for which exploit he was promoted to the rank of post-captain, and I was rewarded with *the offer of two months pay*. After devoting nearly fifteen years of the prime of my life faithfully to the service of my country, without a furlough (excepting one for six weeks) you must not think hard of my having remonstrated thus plainly on lieutenant Morris' promotion over me. I assure you that I should regret extremely leaving the service at any period, particularly at this; but if outranked by an officer, who has not greater claims than myself to promotion, I have no alternative. Trusting to the impartiality of your decision, I have the honor to be, sir, your obedient servant,

(Signed) JAMES LAWRENCE.

The Hon. Paul Hamilton.

Navy Department, October 17, 1812.

SIR—Your letter of the 10th instant, has reached me. The suggestions with which that letter concludes, prevents an answer in detail, and confines me to the single observation, that if (without cause) you leave the service of our country, there will still remain heroes and patriots to support the honor of its flag.

I am, sir, yours, PAUL HAMILTON.

Capt. Lawrence, U. S. ship Hornet.

To the honorable the Senate of the United States of America, in Congress assembled.

James Lawrence of New-York, master and commandant of the sloop of war Hornet, respectfully presents this memorial to the honorable senate of the United States, upon the nomination of lieutenant Charles Morris, late first officer of the frigate Constitution, to the grade of post-captain in the navy of the United States.

Your memorialist respectfully represents, that he entered the service, as midshipman, September the 14th, 1798.

That he continued in that capacity, attached to sundry vessels, upwards of two years, when he was promoted to an acting lieutenant on board the frigate Adams, commanded by capt. Robinson; in which capacity he continued until the reduction of the navy, in consequence of which this appointment was not confirmed, and of course he remained in the grade of midshipman:

That when the war with Tripoli was declared, he was promoted to a lieutenancy, and attached to the Enterprize as first officer; from which he was removed to the frigate John Adams, and acted in the same capacity:

That this service continued three years and a half, when he returned to the United States with commodore Preble, and was again dispatched to the Mediterranean as commander of gun-boat No. 6, in which service he was engaged sixteen months:

That while attached to the Enterprize, he sailed as first lieutenant with about seventy volunteers, in the ketch Intrepid, of four guns, under the present commodore Decatur, then commander of the Enterprize, to destroy the frigate Philadelphia of 44 guns, lying in the harbor of Tripoli:

That lieutenant Morris volunteered as a midshipman in this expedition, which was so completely successful, that the Philadelphia was destroyed without the loss of a single man on the part of the Americans:

That for this exploit commodore Decatur was made post-captain—and the rest of the officers and crew of the Intrepid, voted by congress two months extra pay, which was declined by your memorialist:

That since the Mediterranean service was completed, your memorialist has been constantly engaged in the service, having been attached to the Constitution as first lieutenant; and to the Vixen, Wasp, Argus and Hornet, commander; during which commands he has been twice to Europe with despatches:

That he was in the Hornet when war was declared, and was attached to commodore Rodgers' squadron and cruized with him until the commodore's return to Boston, and is now attached to commodore Bainbridge's squadron.

Under these circumstances your memorialist respectfully presents this memorial to the honorable senate, against the ratification of the nomination of lieutenant Charles Morris, to the grade of post-captain; but at the same time would bear testimony to the uniformly distinguished merit of that accomplished gentleman and gallant officer:

Your memorialist would respectfully suggest that no achievement within his knowledge, however gallant, has been rewarded with a promotion of more than one grade; and that such is the invariable usage of maritime nations, particularly the British, whose navy has arrived to its greatest perfection:

That the unexampled promotion of a single officer on board of any frigate in a successful engagement, when all did their duty, with signal but equal brilliancy, must necessarily be detrimental, if not destructive to the service, inasmuch as it is a tacit reflection upon the conduct of those officers who are overlooked:

That the masters and commanders appointed to the smaller vessels of the navy, are generally attached to frigates, and consequently are placed by their superior grade, in a more unfavorable situation for promotion than officers of an inferior grade attached to frigates; thereby rendering the grade which they had previously acquired by good conduct an obstacle to future promotion, a part from etiquette, the impolicy and injustice of such promotions cannot be made more obvious by argument:

That your memorialist is confirmed in these sentiments by the opinions of some of the oldest and most respectable officers in the service, and by all the gentlemen of the navy of the same grade with your memorialist, with whom he has communicated, many of whom think they cannot reconcile it to their honors to continue in the service, if so unprecedented a nomination should be ratified by the Senate. JAMES LAWRENCE.

U. S. ship Hornet, October 22, 1812.

American Prizes.

WEEKLY LIST—CONTINUED FROM PAGE 256.

"The winds and seas are Britain's wide domain,
"And not a sail without *permission* spreads!"

British Naval Register.

☞The prize brig sent into the Chesapeake by the United States' brig Argus, was driven out again by a gale of wind, and re-captured by the Maidstone frigate. We therefore deduct one number from the general account, though we think that 10 *per cent.* added, would not embrace all the prizes actually made, not being duly published.

285. Brig Venus, from Brazil and London, 10 guns, richly laden with 562 bales of cotton, fustic, &c. sent into Savannah by the privateer Polly of Salem.

286, 287, 288, 289, 290, 291, 592, 293, 294—nine British vessels, sunk, burnt and destroyed by the Patriot of New-York, during a cruize of 56 days.

595. Packet Townsend, from Falmouth for Barbadoes, heavily armed, captured by the Tom, of Baltimore, after a severe engagement in which the captain of the Townsend and four of her men were killed and several wounded. The Tom was but little injured, and had only two men wounded. The *mail* was thrown overboard, but recovered by the Bona and brought to *Baltimore*, on Saturday last.

296, Brig Burchall, a packet from Barbadoes for Demarara, with an English commissary and his lady on board, captured by the High-Flyer of Baltimore, and sent into that port. The High-Flyer has captured a number of drogers plying between the islands—she released one of them with the commissary and 72 prisoners, and sent her as a flag of truce into Demarara; and governor *Carmichael* returned a complimentary letter to her capt. for his kind treatment of them.

297. Brig Criterion, sent into New-York.

298. Schooner Neptune, captured by the Revenge of Philadelphia, and given up to release her prisoners, after the proper formalities.

289. Schooner Neptune, with a cargo of salt, oil, fish, &c. sent to Portland, by the Revenge of Salem; on her way from the former to the latter place was wrecked—crew and cargo saved.

300. Schooner ——— driven ashore on the coast of Nova Scotia, and burnt, by the Revenge of Salem.

301. Brig Fancy, sent into New-London by the Joel Barlow, privater.

302. Sloop Nelly and Pamelia, captured by the Revenge of Philadelphia, was wrecked on Chincoteague shoals—crew and cargo saved.

303. Brig Devonshire, laden with codfish, sent into *France*, by the Decatur privateer. This vessel was captured not far from our own coast, but the "yankees" thinking that the cargo would do better in France than at home, manned and sent the prize on a trading voyage, without ceremony.

304. Schooner ———, from Quebec, sent into New York by the Retaliation of that port.

305. Ship ——— of 22 guns and full of men, after an engagement of 35 minutes, driven on shore at the mouth of the Demarara river, by the General Armstrong of New York. This privateer has returned to port after a brilliant cruise; having captured, among others, three heavy armed and very valuable vessels; neither of which have yet arrived. She also seized and gave up several of small value.

Our Gallant Tars.

It was properly observe in a *London* paper when the news of our declaration of war reached that city, that the *British* would have an enemy very different from the French to contend with, at sea. The

naval history of *Great Britain* for a whole century past, presents no incidents so destructive of her seamen and ships as the little brushes we have had with them—never did four *British* vessels, of the same force, under any circumstances, lose, by battle, so many men as the *Little Belt, Guerriere, Frolic* and *Macedonian*—total loss in killed and wounded 318, and the ships *torn to pieces!*—though our vessels were so little damaged that, in ten minutes after battle, either of them could have engaged, and would have defeated, a new enemy of the same strength: nay, from the *comparative* effect of their fire, they would have fought two such ships as were opposed to them at the same time, with every prospect of success.

In the terrible fight off *Trafalgar*, the fame of which has resounded to the uttermost parts of the earth—where 33 ships, *French* and *Spanish*, of the line, many of them among the largest in the world, contended for several hours, with twenty-seven *British* ships of the like force, and some smaller vessels, the whole British loss, in killed and wounded, was only 1587 men. Almost one fourth as many have been destroyed on board the four little vessels mentioned above, in a few minutes fighting. These facts are calculated to excite our wonder, and redouble our zeal, to give the tars of Columbia the long desired opportunity of avenging their wrongs. At *Trafalgar*, no FOUR *British* ships lost as many men as the FOUR we have beaten, the *Victory, Royal George, Temeraire, Bellerophon, Bellisle, Colossus* and *Achille* excepted, which were in the very hottest of the fight and suffered a great deal the most; and though these seven ships had between 5 and 6000 men on board, they had only 803 killed and wounded;—at *this rate*, the *Little Belt, Guerriere, Frolic* and *Macedonian* ought to have had but 130 men injured, comparing their force with that of the great ships above mentioned, and admitting that each battle was *as hot* as *the hottest* part of the engagement at *Trafalgar*; but they had 318 men killed and wounded. Now, by the rule of three, what would have been the number of *English* killed at *Trafalgar*, if *Nelson* had engaged thirty-three *American* ships of the line, instead of as many *French* and *Spanish*.

The British have gained their greatest naval victories with very little comparative loss. Sir *Richard J. Strachan*, with the *Cæsar*, of 80 guns, and the *Hero, Courageux* and *Namur*, of 74 guns each, in a battle, of three hours and a half, with four French ships of the line (all which he captured) had only 135 men, in the whole, killed and wounded; though, he says, "the enemy fought to admiration!" Well might the late captain of the *Macedonian*, judging from the service he had seen, have supposed our frigate on fire. The British will compel us to build ships of the line; and when, we have them, we *guess* that four of them will not be taken by four *British* vessels, with the loss of no more than 135 men.

Our "fir-built Frigates."

The following singular article is extracted from the *London Evening Star*. It is a curious text—the officers and crews of our "*fir-built frigates*" have made an excellent comment upon it.

"We have received letters and papers from New-York to the 14th, and from Washington to the 9th ult. We are not surprised to find from these, that the repeal of the orders in council, ample and unconditional as it was, has not satisfied the demagogues of America. The American government has now thrown off the mask, even of moderation, which its members have assumed in their negociations with this country, and has made common cause with France in her attempt to subjugate the world. The tone of the "National Intelligencer," the organ of Mr. MADISON's government, previous to the arrival in America of the formal repeal of the orders in council, was moderate if not pacific, but now that Great Britain has receded from her high and commanding attitude, as *mistress of the seas*, and *dictator of the maritime law of nations*, America, like an ungrateful and malignant minion, turns upon *her benefactor*, and demands still further concessions—the American flag is now to secure "all that sails under it." This is precisely the language of the French government—"free ships make free goods," has been eternally echoed in our ears, since the commencement of the war; and but yesterday we were told by France, that the treaty of Utrecht was the line of demarkation of our maritime rights. This is bold language to utter to a nation whose seamen have successively beaten every power in Europe into *a confession of their superiority*—a nation whose fleets have annihilated, in succession, those of Spain, Holland, France, Russia and Denmark. *Our maritime superiority is*, in fact, *part of the law of nations*. It has been the right of the conqueror, since men associated together in civilization, to give laws to the conquered; and is Great Britain to be driven from the proud eminence, which the blood and treasures of her sons have attained for her among the nations, by a piece of striped bunting flying at the mast-heads of a few *fir-built frigates*, manned by *a handful of bastards and outlaws*."

The Constitution and Guerriere.

FROM THE LONDON "TIMES."

[The "Times" is a high ministerial paper. What will the *folks* think, when they hear of Jones' *Frolic*, and Decatur's easy conquest of the *Macedonian*? "PELION UPON OSSA!"

The naval glory of Britain is indeliably tarnished: and her "thousand ships of war," with which we were told that she would "bridge the main" will never obliterate from the pages of faithful history the glorious facts we have had the high gratification to record in this work. The sceptre of the sea has left her; an infant Hercules, reposing in his cradle, but disturbed by her jealousies and crimes, has boldly seized upon it; and, when maturity arrives, will invincibly wield it for "*Free Trade and Sailors Rights*," and purge the world of man-stealers and robbers:]

"We have been accused of sentiments unworthy of Englishmen, because we described what we saw and felt on the occasion of the capture of the Guerriere. *We witnessed the gloom which that event cast over high and honorable minds*; we participated in the vexation and regret; and it is the first time that we have ever heard that the *striking of the English flag on the high seas* to any thing like an equal force, should be regarded by Englishmen with complacency or satisfaction. If it be a fault to cherish among our countrymen "that chastity of honor which feels a stain like a wound;" if it be an error to consider the reputation of our navy as tenderly and delicately alive to reproach—that fault, that error, we are likely often to commit; and we cannot but consider the sophistry, which would render us insensible to the *dishonor of our flag* as peculiarly noxious at the present conjuncture. It is not merely that an English frigate has been taken, after what we are free to confess, may be called a brave resistance, but that it has been taken by *a new enemy*, an enemy unaccustomed to *such triumphs*, and likely to be rendered insolent and confident by them. He must be a weak politician, who does not see how in-

portant the first triumph is in giving a tone and character to the war. *Never before, in the history of the world, did an English frigate strike to an American,* and though we cannot say, that captain Dacres, under all circumstances, is punishable for this act; yet we do say, there are commanders in the English navy, who would a thousand times rather have gone down with their colors flying, than have set their fellow sailors so fatal an example."

Proceedings of Congress.

HOUSE OF REPRESENTATIVES.

Thursday, Dec. 17. The bill to increase the navy being under consideration in committee of the whole, a motion to strike out the provision for building ships of the line was negatived: but the same subject being taken up the next day was carried 56 to 53—with a view to increase the number of frigates. The principle, however, is not considered as settled, except that it appears the navy will be increased.

On *Monday*, after other business in a preparative state, the house resumed in committee of the whole, the bill to increase the navy. The motion to strike out the ships of the line was reconsidered, and, after argument, rejected 52 to 58. So far the principle is established that ships of the line shall be built. In the house, the motion to strike out the ships of the line was renewed—but an adjournment took place before a decision was had. On *Tuesday*, a message from the President of the United States, which was received yesterday, was read covering a report from the secretary of state on the subject of the seizure and detention of persons, found on board American public armed ships, claiming them as British subjects. Referred to the committee of foreign relations.

After which, the unfinished business of yesterday recurring, the house negatived the motion, 65 to 57 to strike out the ships of the line. And the bill was ordered to a third reading. The bill respecting the *merchants bonds* was also ordered to a third reading [which we shall insert at length, when passed.]

☞The bill from the Senate to increase the navy, by building four ships of the line, and six large frigates, has passed the House of Representatives and wants nothing but the signature of the President to become a law.

THE CHRONICLE.

In our last was inserted an article respecting the forgery of *British licenses.* The maker of them has been caught in New-York, with a large stock on hand. They are about to try him on several accounts—and probably, will send him to the Penitentiary for life. How different the practice in England! There, forged *American* papers were publicly exposed for sale, under the very eye of the government.

John Gailard, esq. has been re-elected a senator in congress from South Carolina.

David Stone, esq. has been elected a senator of the United States from North Carolina, vice Mr. Franklin, who was not a candidate.

The legislature of Kentucky met at *Frankfort* on Monday the 7th inst.

In the senate Richard Hickman, lt. gov. appeared and took his seat, and Joseph H. Hawkins was elected speaker of the house of representatives. On the following day a patriotic message was received from gov. *Shelby.*

Gen. Alston has been elected governor of South Carolina. The votes were, for Mr. Alston 82, for Mr. Geddes 76, scattering 4.

Since our last we have late accounts from France and England. A series of bulletins of the grand army of the former in Russia, down to No. 23, dated at Moscow, Oct. 9, details only partial actions and skirmishes. It appears that the inhabitants of Moscow were returning in search of their homes, and that Bonaparte was exerting himself to render them comfortable. The ministerial sets in England are very wroth at the *perverseness* of the American government, and have decided (so the news-papers say) on *a war of extermination,* till one or the other power shall fall—of this *Britain* may be assured, that, as the question is brought to issue, sooner will the *Alleganies* be prostrated, than *America* consent to the *impressment of her tars.* It is said they have issued a proclamation declaring that all British born subjects found on board our vessels, shall be treated as traitors, though naturalized by our laws. *There is a fearful corrective of this.* The *Russian* fleet is to be sent to England for safety—preparations to receive it have been made at Portsmouth—another account denies this. The merchants in all the sea-ports are slipping off their effects. On the whole, it would appear that the Russian war was nearly closed at our last accounts. *Burgos* still held out against lord Wellington, and no event of importance has lately occurred in Spain or Portugal.

There is reason to expect that the emperor of France will afford all the facilities in his power to the American trade.

Jedediah K. Smith (rep.) has been elected a senator in congress, by the legislature of N. Hampshire.

The legislature of Georgia have authorised the governor of that state to direct colonel Hawkins to demand of the chiefs of the Upper Creek nation to deliver up all of their warriors who, it was ascertained were engaged with the Seminoles in the late battles against the Americans under colonel Newnan, in order that retributive justice should be awarded them.

They have also strongly recommended to their senators and representatives in congress to use their best endeavors to procure the passage of a law inhibiting the exportation of provisions and grain to Spain and Portugal.

Letters from France state that Mr. Barlow, our minister at Paris, has left that capital, for Wilna, at the request of Bonaparte, to enter into some arrangements.

London, Oct. 27.—Yesterday at 3 o'clock his royal highness the prince regent held a privy council at Carlton-house.

Four proclamations were directed to be issued—one respecting American prizes and prize money; another declaring English sailors traitors who are found on board American vessels. The third, respecting the distillation from grain and sugar; and the fourth prohibiting the making starch from corn.

Orders, we understand, were last week sent to the Tower, to prepare 80,000 stand of arms, which are to be shipped with the utmost expedition for the Baltic.

In the house of Representatives, on Tuesday, the bill from the senate remitting the forfeitures incurred by the importation of goods, bona fide American property, shipped prior to the 15th of September last from Great Britain, was ordered to a third reading, and has probably passed into a law by this time. Goods brought from Canada and the other British dependencies will be forfeited.

A letter from Natchitoches, Louisiana, of the 31st of October, mentions that the Mexican republicans were in possession of Mexico. The volunteers under colonel M'Gee, one thousand strong, were on their way to St. Antonio, where they would make only a short stay, but would proceed on the river Grand, to aid the Spanish revolutionary patriots.

THE WEEKLY REGISTER.

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Hæc olim meminisse juvabit.—Virgil.

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Legislature of Maryland.

The following Preamble and Resolutions, introduced into the house of delegates by Mr. C. Dorsey, passed on the 24th of December—41 to 21.

Whereas the permanence and security of our republican institutions depend on the virtue and attachment of the people, to foster the one and to confirm the other, it is the bounden duty of those to whom, under our inestimable constitution, the administration of public affairs is entrusted. For this purpose, a pacific policy is essential, and ought never to be abandoned; except in cases of extreme emergency, in defence of national independence, and to repel the hostile invasion of territorial rights.—War is the heaviest calamity that can afflict a nation: If resorted to without just cause it must inevitably provoke the displeasure of the Almighty arbiter of the universe. It produces a boundless waste of blood and treasure; it demoralizes the habits of the people; it gives birth to standing armies; it clothes a dominant faction with power, in addition to the inclination, to infringe the dearest privileges of freemen; to fetter the freedom of speech and of the press; to plunder private property; to suspend the habeas corpus; to violate the constitution by implication and by new definitions and consructions of treason, under the mask of law; to subject to an odious and unrelenting persecution, perhaps to condign punishment, citizens, whose only crime is an opposition, fairly, honestly and constitutionally supported to the system of the national administration. Offensive war is at all times repugnant to the genius of a republic; but if waged by the rulers of a free community, the people, who must necessarily encounter the perils and support the cost of the contest, have a right to expect that at least a chance of success, a favorable prospect of benefits to be derived, overbalancing any injuries to be incurred, the probable achievement of the grand objects contended for and the permanent establishment of national rights, will be made manifest to them. To this end adequate preparation is necessary—genius and patriotism must explore and call into exercise all the national resources—the treasury must be replenished and every deficiency provided for--a military and naval force raised, with all the necessary munitions of war competent to repel any hostile invasion and commensurate with the plans and schemes of conquest.—Such a state of preparation would banish all apprehension of entangling alliances with that ferocious despotism which has blotted from the map of Europe every republic of the old world. In the application of those remarks to the policy pursued by the government of the United States, every friend to his country will at once discern, that it is calculated to excite the liveliest anxiety and alarm. After an unprecedented perseverance in a system of commercial restrictions producing individual distress and national impoverishment, our country is committed in a war with a powerful and formidable foe, without adequate preparation; with an inefficient military force; with a reduced navy, and with an exhausted treasury.

To obviate the immediate and oppressive difficulties of the crisis, militia and volunteers are subjected to field and garrison duty, and called upon to supply the deficiency of regulars—enormous sums are to be raied by loans and taxes, and a neighboring colony of the enemy is invaded by detachments of undisciplined troops imperfectly supplied with necessaries. Under such circumstances, folly only can expect success; and should further defeat, disgrace and dismay, accompany our military operations, the gloomy anticipation of an unnatural alliance with the conqueror of continental Europe will naturally be indulged. Thus embarked in a disastrous contest, the nation harrassed and debilitated by its continuance will sigh for peace, and for its attainment the immediate and important object contended for will be abandoned.

The avowed causes of the war were the orders in council and the impressment of American seamen; the first of these causes is removed, and it may reasonably be inferred, from the communications of the president of the United States to congress respecting negociations with the British government, that the latter might be adjusted to the satisfaction of both nations. Influenced by these considerations, and believing it to be an imperious duty of the house of delegates of Maryland elected with a view to our present foreign relations, to express the opinion of their constituents relative to the present state of public affairs—Therefore,

Resolved, That a defensive war ought to be prosecuted and sustained at all hazards; and for this purpose we are at all times prepared to undergo any privations, and to devote our lives and fortunes to the public service.

Resolved, That offensive war is incompatible with the principles of republicanism, subversive of the ends of all just government, and repugnant to the best interests of the United States.

Resolved, That the declaration of war against Great Britain by a small majority of the congress of the United States, was unwise and impolitic, and if unsuccessful the grand object contended for must be abandoned.

Resolved, That it is at all times the inalienable right of freemen fully and openly to investigate the conduct of their rulers, and that we will on every occasion vindicate the freedom of speech and of the press, and that the definition of treason given by the constitution of the United States is the only one sanctioned by justice and rational liberty.

Resolved, That the conduct of the governors of Massachusetts, Connecticut and Rhode-Island, respecting the quota of militia demanded from them, respectively, by the secretary of war, of the United States, was constitutional, and merits our decided approbation.

Resolved, That a navy is the kind of national defence least dangerous to liberty, and most compatible with the genius, habits and interests of the people of the United States; and whilst we view with delight, admiration and enthusiasm the heroism of a Hull, a Decatur, a Jones and their gallant associates, we are furnished with additional motives for approbation of the policy of augmenting the naval force of our country.

Legislature of Kentucky.

Frankfort, Dec. 8, 1812.

Yesterday his excellency governor Shelby communicated to both houses the following message:

Gentlemen of the Senate and House of Representatives,

Selected by my fellow citizens to fill the executive branch of the government at a late period of my life, and called from a peaceful abode, to undertake the arduous duties of the office of chief magistrate, at a crisis in which the American nation is engaged in a war with one of the most powerful nations in the world; I feel a diffidence in thus venturing to execute the high trust which devolves upon me, believing that I do not possess that extent of knowledge relative to our political relations, nor the experience necessary to the discharge of the duties attendant on that important station. No circumstance could have brought me from my retirement, at this stage of life, except in compliance with the voice of my fellow-citizens, which has ever been respected by me with the highest veneration. If a gracious Providence shall be pleased to indulge me with days to serve my country during the constitutional period for which I have been elected, it will be a source of great gratification in my retirement, should my endeavors to promote the interest of our common country, meet the reasonable expectations of my fellow-citizens. Integrity and a due attention to the duties of the office, are all I can, on my part, promise.

The constitution requires the governor from time to time, to give to the general assembly information of the state of the commonwealth; and to recommend to their consideration, such measures as he shall deem expedient. In performing this part of my duty, it is with pleasure I inform you that no unusual disaster has fallen to our lot: but permit me to congratulate you on the benefits which a Divine Providence has conferred upon our country, by the blessing of health dispensed among our fellow-citizens, and the abundant harvest which the earth hath yielded to the husbandman.

The interior situation of the state, relieves us from the immediate horrors and devastation incident to a state of war. Yet although we are thus happily situated, it becomes us, as a component part of the American confederacy, to be prepared for any and every event—not only as it may relate to the immediate defence and protection of the state; but that we may be the better able to contribute our proportion of aid agreeably to the requisitions of the general government.

The American government, in cases of invasion and insurrection, has reposed its confidence in the militia:—a revision of the militia law at this interesting juncture, is worthy of consideration. The late requisition of the general government on the militia of the state, has probably discovered to some of you, gentlemen, defects in the law, and dictated the provisions necessary to remedy such defects.—The law ought to compel both officers and soldiers promptly to perform their duty—yet not to be oppressive. A well regulated militia will avail little, unless certain means be adopted for the procurement of an adequate supply of arms and ammunition; and the erection of magazines in convenient situations, for the safe-keeping and preserving the military stores, when procured.

Impressed with a belief that the resources of the government are adequate to all its wants, I am induced to press this subject for your most serious consideration. True it is, we are far removed, at this moment from the din of war—yet we know not how soon we may be assailed by both foreign and internal enemies. Self defence, that great ruling principle in man, ought to awaken the rulers of the commonwealth, to guard her rights, protect her interests and be ready to meet any casualty. To omit making the necessary arrangements till danger appears, is impolitic, and often attended with dangers the most fatal. If, upon enquiry, it shall be found inconvenient to accomplish the object at once, annual appropriations, suitable to the resources of the government, may be directed until the object be completed. This measure if adopted, will ensure respect abroad, preserve tranquility at home, and upon an emergency, enable the militia of the state to march with promptness, to any point they may be ordered.

The existing militia law requires every commissioned officer, to take certain oaths before a magistrate, or some county court, previous to his entering on the duties of his office. This regulation is discovered to be inconvenient when the militia are in actual service. Vacancies will often occur by resignations and from other causes, which of necessity must be filled, and this at a time when it would be improper for the newly appointed officer to be absent from duty. A power vested in the commandant of a regiment or corps, to administer the necessary oaths, when the militia are in actual service, will remedy the inconvenience.

Previous to my coming into office, the government of the United States had declared war against that of Great Britain, and a large detachment of the militia of this state were marching to oppose our common enemy, and another was preparing to march. It was evident to every reflecting mind, that the preparations to supply the immense force called forth, were very inadequate, and that these deficiencies arose from causes which could not be controled by the executive of the United States, in time to afford relief—the scene of action being too remote from the seat of the general government. To remedy the evil in future, I addressed a letter to the secretary for the war department on the subject; and at the same time suggested measures which I believed to be most effectual to annoy and distress our savage enemy:—Copies of my letter and the secretary's answer, are herewith submitted.

Early in the month of September last, gov. Harrison made a requisition of mounted volunteers from this state, in aid of the infantry ordered by him for the protection of the two territories bordering on the N. W. of the Ohio. Upon notice being published of gov. Harrison's requisition, the volunteers turned out beyond all calculation. The command of these troops, with three regiments of this state's quota of the detached militia, and the United States' troops, already in that quarter, under col. Russell, were confided to major-general Hopkins, with power to carry the views of the general government into effect, in the manner that the situation of the frontiers, and the movements of the Indians, should appear to him necessary.

The general, on his arrival at Vincennes, deemed it proper to carry an expedition against the Indian villages on the Illinois river. He marched with the mounted volunteers. Great expectations were entertained of the good effects that would result from the measure; but from some untoward cause the expedition failed. That the legislature may have a correct view of the objects of the commanding officer, and the reasons assigned for the failure of the enterprize, I lay before you a copy of his official communication to me on that subject. Although the main object of the expedition proved abortive, an even of great importance resulted from it, by the braver

of a detachment under the command of gov. Edwards, ordered from the Illinois territory to co-operate with the main army. I lay before the legislature the copy of a letter from col. Russell to the acting governor at Vincennes, and transmitted to me, which details the particulars of that gallant exploit. It is to be lamented that the main enterprize, so well planned, terminated so unfortunately: had it been otherwise, its importance would have been great to the nation, and particularly so, to the adjacent territories—not only by punishing those savages, who, for many years, have infested the frontiers with impunity, relying on the remoteness of their situation for security; but it might have detached other neighboring hordes from British influence during the war. This influence is greater than has been apprehended. The confidential communications obtained by gov. Edwards (copies of which he has transmitted to the executive of this state) contain full and unequivocal testimony of the extent of the combination formed by the British and savages, against the United States.

The citizens of Kentucky, whose forefathers suffered so much by savage ferocity, have manifested their abhorrence of the conduct of the allies of the British tyrant, by their alacrity in marching forth to check and scourge those barbarians for the ruthless warfare practised by them indiscriminately, without regarding age or sex. If we are incensed against the allies of the British, much greater ought our displeasure to be against that nation, the principal in the war—a nation, of all others in the world, the least entitled to respect from the American people. There is no machination which the human mind is capable of devising, to injure or oppress, which she has not tried. Not contented with violating the rights of nations, relating to commerce, the rights of persons, by murdering and impressing our seamen, by attempts, the most insiduous, to subvert our government, by sending amongst us her secret emissaries, raising discord and disaffection among the American citizens towards their own government—and last of all, secretly to excite the Indian tomahawk and scalping knife to be raised against the unoffending and defenceless frontiers before the declaration of war. No man, who styles himself an American, after reflecting on these things can say that the present war is unjust, unprovoked and unnecessary.

Believing that I am addressing fellow-citizens, breathing the spirit of patriotism, and holding similar sentiments with my own on the subject of the present war, no doubt exists but that the general assembly will willingly adopt every possible measure to support and aid the national government in avenging the injuries committed on our rights as a nation, until complete justice be done. The cup of reconciliation has been exhausted, by fruitless attempts to convince the British government of her error—instead of redressing injuries, her pride and arrogance induced her to accumulate them; even after the declaration of war, we are informed by the address of the President of the United States to congress, that an overture was made, stipulating the terms on which the progress of the war might be arrested, without waiting a formal and final peace. Reasonable as the propositions made, appear to have been, still they are declined from an avowed repugnance to treat us as an independent nation.

No alternative now remains, but by an unanimous exertion to avenge our wrongs—the means to do this, we are assured we fully possess, provided we act in concert. United, we need not fear any enemy; divide us, miseries incalculable await our downfall. The appeal to arms is made—let union prevail in our councils; let the measures directed by our rulers, be promptly executed, and we may safely rest the justice of our cause with that all powerful Being who rules the universe; for we may justly say with the president, "The war in which we are engaged, is a war neither of ambition nor vain glory—that it is waged not in violation of the rights of others, but in the maintenance of our own, that it was preceded by a patience without example, under wrongs accumulating without end; and that it was finally not declared, until every hope of averting it was extinguished."

[Two local paragraphs omitted.]

The revenue for the last year is more than adequate to the expenditures of the government. After meeting all the current expences, there remained in the treasury on the 10th of November last, the sum of $36,334 70, independent of the sum of $63,129 85, the balances yet due from former and present collectors, as appears by a statement from the officers under whose care the revenue is managed, who will make the necessary reports for the information of the legislature.

Unanimity and harmony in the legislative council, are objects truly desirable, and cannot fail of producing the happiest effects. The utility of such a line of conduct cannot be too forcibly impressed upon your minds. In all things in which a concurrence is necessary between the legislative and executive branches, for promoting the public good, you may rest assured, so far as depends upon me, of my hearty co-operation in all your measures which may have a tendency to promote the welfare and prosperity of our common country.

In closing this address, I feel it a duty to do an act of justice to the patriotic fair of Kentucky, by informing you of the success which attended an appeal to them to furnish a supply of clothing for our fellow-citizens in actual service. Although no regular report has been made of the kind and quantity furnished, by the information I have received from the various quarters of the state, it has been very great, and perhaps adequate to the demand. Too great praise cannot be bestowed upon them for the bountiful contribution, and the alacrity with which the clothing was prepared and delivered; it is an act of patriotism and benevolence which deserves the gratitude of all America—May their laudable example stimulate us to prosecute the war until peace be given us from the hand of justice.

ISAAC SHELBY.

Governor Middleton's Message

To the members of the senate and of the house of representatives of the state of South-Carolina.

FELLOW-CITIZENS—The mild and favorable seasons providentially dispensed to all parts of our state, enabling the husbandman to reap the full reward of his toils in the most abundant harvests; and the continued preservation of the numberless social and religious blessings with which we have been favored, through the course of the year at the close of which we now assemble; must necessarily impress feelings of the most heart-felt gratitude to the great author of all good, and of the humblest confidence in his protecting care.

To enable us to derive the full measure of advantage from the bounties of Providence, a free commerce, facilitating an exchange of the superabundant productions of our soil for those of the industry of other nations, alone is wanting. Of this benefit we have long been deprived by the effects of the injustice and rapacity of foreign governments. An opinion that we were destitute either of the power

or of the will to maintain our rights, appears in no small degree to have influenced them in their conduct towards us. Without examining the justness of this impression, we may conclude that unless it be shewn to be an unfounded opinion, we must continue, when peace shall be restored, to hold our neutral rights by a most precarious tenure. The declaration of war against Great Britain, as prime aggressor on our commercial and maritime rights, was amply justified by the hostilities so long exercised against our lawful commerce and defenceless seamen: but to avail us ought, it must be persevered in until all its causes be removed, and all its objects attained.

It is satisfactory to know that immediately after the declaration of war, the terms on which its progress might be arrested, were communicated to the British government. The views and wishes of our administration are doubtless seriously and ardently directed to the accomplishment of a pacification on honorable and advantageous grounds; in the emphatic language of the president, they are "ever ready to accept peace from the hand of justice;" but that greatly desirable event, there is too much reason to believe, can only be brought about by a vigorous prosecution of the war. As long as a hope shall remain to our enemy, that division in our councils may paralise our efforts, and drive our government "basely to yield upon compromise, that which our ancestors achieved with blows," so long must we despair of an honorable peace. Our government, faithful to its trust, has adopted the alternative of war, in preference to the surrender of essential rights; it only remains that the people, faithful to themselves and undeceived by the false glosses of those who would sow division among them, render their united support to the government of their choice in a necessary though arduous struggle, the success or failure of which must determine their future rank among nations, and stamp with glory or with disgrace the fame and fortune of their country.

Nor need we despond because the first events of the war have been in some instances attended by disaster. Difficulty will but awaken energy—the opposition we may encounter, will but incite to a correspondent effort. It is the imperious duty of congress to call forth the resources of the nation, and to array its forces both by land and by sea; while a faithful co-operation in the common cause is that of the state governments and of every individual member of the great American family.

It appears from the statement made in the President's late communication to congress, of receipts into our national exchequer, that it is able to defray the current expences of the year therefrom. This revenue, arising altogether from foreign importation, might have been expected to have failed in a greater degree.—With a view to the possibility of such an occurrence, it is consolatory to know that the great fund which might be raised from a light impost on articles of internal consumption and on capital, remains untouched; and to believe that the patriotism of the nation would gladly afford any portion of it which might be requisite towards the public exigency.

The report of the comptroller-general of this state, herewith transmitted, presents a satisfactory view of the increasing wealth and prosperity of this section of the union, and of the adequacy of the state funds to every existing demand on the treasury; leaving at all times a balance of one hundred and twenty thousand dollars, which is amply sufficient to meet every probable exigency without the necessity of imposing any additional burdens on the public. The order and arrangements established throughout the financial department of the state, illustrate at once the excellence of the system of administration adopted, and the ability of the officers employed in the superintendance thereof.

In contemplating the situation of our country, it is a pleasing consideration that if the means within our power should fail speedily to restore to us our accustomed trade, and circumstances beyond human control should continue to deprive us during any length of time, of a resort to our usual markets and work-shops, some permanent advantages will be obtained in compensation for the temporary inconveniences which must be experienced. Industry will be led to seek out new channels of operation; internal improvement will make progress; the increase of domestic manufactures will diminish the foreign wants of our population: and whenever a division of labor shall be found profitable, the manufacturer will establish himself in the neighborhood of the farmer, and an interchange of commodities mutually and permanently beneficial, will be induced. Every advance towards such a state of things lessens our dependence on foreign countries, and while the interruption of our trade continues, such advances will be rapidly made.

It may be a subject worthy the consideration of the legislature at the present time, whether our state does not offer facilities and materials for several species of cultivation, and for several descriptions of manufacture hitherto unattempted; and how far it may be her policy to encourage, by bounty or otherwise, the cultivation of such articles, and the manufacture of such wares as have hitherto been objects of foreign importation.

[The governor proceeds to some interesting hints regarding *internal navigation*, on the creation of *free schools*, and for the better organization of the militia, with some matters of a *local nature*—omitted for want of room—and concludes thus:

Some further communications will be necessary previous to the expiration of my term of office. I shall conclude the present, with a tender of my most fervent wishes that your deliberations may be so directed as to advance the welfare of our beloved country. HENRY MIDDLETON.

Columbia, Nov. 24, 1812.

Privateers.

Documents accompanying the report of the committee of ways and means on the petition of the owners of certain privateers, praying a reduction of duties on prize goods.

WASHINGTON, Nov. 23, 1812.

SIR—We take the liberty of enclosing to you, for the inspection of the committee of ways and means, sundry papers connected with the application by the owners of privateers in New-York, for a reduction of duties on prize goods. They are as follow:

No. 1, exhibits the proceeds of the schooner Venus and cargo, captured by the privateer Teazer.

No. 2, is a statement of the cost of the privateers General Armstrong and Governor Tompkins.

No. 3, contains extracts of letters from several privateer agents.

The committee of ways and means are (including the accompanying document) in possession of three statements of prize sales, where the property was, in each case, of a different character from the others. The cargo of the *New-Liverpool* consisted (contrary to our impressions when before the committee) altogether of wine, amounting to 27,959 galls. whereon the duty was 46 cents per gallon, which consumed more than one half of the proceeds of vessel and cargo, and, connected with the other charges, left the owners of the privateer about one-sixth of the cap-

tured property. The *Industry* was laden with 152 barrels of salmon; and the benevolent intentions of the privateersmen to restore to an indigent owner the amount of her loss, terminated, in consequence of the high duties and charges, in an inability to present her with more than a paltry sum, scarcely worth her acceptance. The *Venus* had a cargo of rum, sugar, fruit and preserves, which produced $17,637 68, and was charged with duties amounting to $8,287 63.—The vessel being well calculated for a privateer was bought in by the captors for that business. But experience teaching them that the profits of private naval warfare are by no means equivalent to the hazard, they have abandoned that intention, and are now offering the Venus for sale in the public newspapers, but cannot meet a purchaser.

We would respectfully suggest to the committee of ways and means, that great anxiety exists in New-York that congress may give the question of a reduction of prize duties a *speedy* decision: which, if favorable, will revive the spirit and zeal, now expiring, with which privateering was undertaken at the commencement of the war; and, if unfavorable, will prevent those who have purchased vessels for warlike enterprizes, in which they cannot now dispose of any interest, from incurring losses accumulated under fruitless expectation.

We here take the liberty of reminding the committee that no naval force of any efficiency can be supported by the governmnet but at an expence far greater than the amount of the duties of which we pray the remission; and that there is probably no other species of naval armament half so destructive as privateers to the commerce of an enemy.

The employment of a great number of experienced masters of vessels, and seamen necessarily engaged in them, whose services could not probably be obtained in any other way, and whose skill and intrepidity produce so much honor to the country, forms another important consideration.

To these may be added, that in no other way can the mercantile interest be so effectually united in the support and prosecution of the war, as by offering inducements to the investments of its otherwise unemployed capital in such enterprizes.

We are, sir, with great respect, your obedient servants,

JOHN FERGUSON,
JOHN L. LAWRENCE.

Hon. Langdon Cheves, chairman of the committee of ways and means, House of Representatives.

Treasury Department, December 8, 1812.

SIR—The documents in the treasury do not yet afford any satisfactory information respecting the value of the prizes made by private armed vessels, or the amount of duties derived from that source. In answer to the inquiry of the committee respecting the propriety of diminishing the duties on prize goods, I can only take an abstract view of the subject.

No part of the duties on prize goods ultimately falls on the captors. The duties on importations are paid by the consumers, whether the merchandise be captured by privateers, or regularly imported by merchants. There may be accidental exceptions arising from such a superabundance of a particular article as will sink its price below the prime cost and charges. It is not believed that this is now the case, and it is very improbable that during the war this should be the case, with respect to any species of foreign merchandise whatever. Coffee, which is the most abundant article, pays a duty of 10 cts. a pound. The price for exportation, in which case no duty is paid, is about six cents; and the price for home consumption is at least sixteen cents.

Indeed it is evident that a reduction of duties will be of no use to the privateers, unless the merchandize continues to be sold at the same price as if the duties had not been reduced. In order to render the reduction beneficial to the captors of prize goods, the consumers must still pay the same price as heretofore; the only difference being, that the duty thus levied upon them would be paid to the captors, instead of being paid into the treasury.

The question therefore is simply, whether it be necessary and proper to pay from the treasury to the privateers a bounty equal to the amount of the reduction of duties on prize goods, asked for by the petitioners

The argument probably urged in favor of that measure is, that the bounty would, by increasing the number of privateers, have a tendency to increase the amount of captures. Thus, supposing that a reduction of duties to one half of their present rate should produce a double number of captures, the enemy would be annoyed to a double extent, without any loss to the treasury. But it is not believed that the intended effect will be produced, at least to a degree sufficient to compensate for the loss on the revenue, or to outweigh another forcible objection to this measure.

In order to justify the payment of a bounty it must be assumed, either that the price at which some captured articles can be sold is so low as not to render it worth the risk to send into port vessels laden with such articles; or that the bounty is necessary for the purpose of encouraging the fitting out of a number of armed vessels sufficient to capture all the enemy's vessels which can be taken by privateers.

The first position is not believed to be correct.—There are not any articles constituting the mass of enemies' cargoes, and liable to pay duty, which are not sufficiently valuable to make it an object to capture the vessel and send her into port. Coffee, the article which pays the highest proportionate duty, and the value of which is most reduced, is worth six cents a pound, or one hundred and twenty dollars per ton. But if the fact was true, the true remedy would be to diminish the duty generally, and not to give an exclusive bounty to the owners and crews of privateers. For if the article be not worth sending in after capture, it must be altogether impossible for the importing merchant to pay its prime cost, freight and insurance, and, with those charges, to import such an article without considerable loss. As the last position rests on conjecture, it is less susceptible of being conclusively refuted. It appears however highly probable, that a greater number of privateers has been and will, without any bounty, continue to be employed than is necessary for the greatest possible annoyance of the enemy's trade.

All common regular occupations will generally find their own level; and if left to themselves, the capital and labor employed on each will regulate themselves so as to leave a moderate but adequate profit to the persons respectively engaged in each branch. Some occupations, important to the community at large, may be so unprofitable as not to be pursued to the extent required by the public interest. These form an exception, and may require an extraordinary encouragement from government. But experience shews, that the occupations where profit depends wholly or in a great degree on hazard, are generally overstocked and attract a considerable capital, although there be a certain loss in the aggregate. This is daily exemplified in the case of lotteries, which are filled although there is a certain and acknowledged loss of fifteen per cent. on the whole amount of capital thus laid out by the adventurers.

The hope of a prize, the uncertain and improbable chance of an easy, prompt and great profit, are sufficient inducements to produce that effect. The occupation of privateers is precisely of the same species with respect to hazard and to the chance of rich prizes, and is, at this moment, still more encouraged by the want of employment for the capital and seamen, heretofore engaged in ordinary commercial pursuits.

If this view of the subject be correct, it necessarily follows, that a bounty may indeed still more increase the number of privateers, but without increasing in any proportionate degree the number of captures; that of existing privateers being already more than sufficient for the quantity of food afforded by the enemy's trade. The only probable effect will therefore be a diminution of revenue, which must be supplied by another tax, and an unprofitable application of the national capital and labor, without inflicting any additional sensible injury on the enemy.

Should however the opinion thus formed be considered as erroneous, there is another forcible objection to the mode now proposed of giving an encouragement or bounty. I allude to the temptation and facility, which the vicinity of the British colonies affords, of making collusive or pretended captures of British prohibited merchandize. It has been suggested from a source in which confidence may be placed, that arrangements were already made, or at least contemplated for that object. A reduction of duties by increasing the profit would operate as an insurance on the risk, and assist in defraying the expenses attending the transaction. It seems, that even supposing some additional encouragement to be necessary, it would be preferable to give it in some other shape, which should not be calculated to promote those fraudulent operations.

It may not be irrelevant to state, that it is doubtful whether by the existing laws, private armed vessels and their prizes are liable to the payment of tonnage duty, and that the seamen thus employed are certainly exempt from the payment of hospital money.

I have the honor to be, with great respect, sir, your obedient servant,

ALBERT GALLATIN.

Honorable Langdon Cheves, chairman of the committee of ways and means.

Distribution of Arms.

War Department, Dec. 18, 1812.

SIR—In obedience to a resolution of the honorable the house of representatives of the 7th inst. I have the honor to state that the annual appropriation of $200,000 for arming the whole body of the militia of the United States, conformably to the act of April 23, 1808—$483,000 have been drawn from the treasury on that account. The enclosed statement from the commissary-general marked (A.) exhibits the contracts which have been made by the late purveyor of public supplies with sundry manufacturers for 85,000 stands of arms—on these contracts $94,792 have been advanced, and 31,640 stand of arms have been delivered to the U. States. In addition to those contracts an agreement was entered into by this department on the 18th of July last, with Eli Whitney of New-Haven, Connecticut, to manufacture and deliver 15,000 stands of arms in a proportion of not less than 1,500 annually. On this contract $5,000 have been advanced—It will also appear by the statement (A.) that 12,250 stands of arms have been sold to the states of Georgia, Maryland and Delaware.

Statement (B.) exhibits the number of arms and equipments which have issued under the act of April 23, 1808, for arming the whole body of the militia of the United States. These issues have been made within the last year, and to those states and territories, whose exposed situation appeared to require immediate supplies. I have the honor to be, &c.

(Signed) W. EUSTIS.

Speaker of the house of representatives.

(B.)

Statement of arms issued and loaned to the militia of the several states and territories.

Issued conformably to law of 23d April, 1808.

STATES.	Stands of Arms.	Rifles.	Pistol's.	Swords and Belts.	Equip'ts for muskets.
New-Hampshire	1,000				
Vermont	2,500				
Rhode-Island	1,000				
New-Jersey	1,000				
Delaware	500				500
North-Carolina	2,130				
South-Carolina	2,000				2,000
Georgia	1,000				
Ohio	1,500				
Kentucky	1,500				
Tennessee	1,500				
Illinois territory	216		45		216
Indiana territory		41	120	120	
Louisiana territory	250		75	150	
Total	16,096	41	240	270	2,716

LOANED.

STATES.	Stands of Arms.	Eq'pts for muskets.	Camp Equip'ts.	Remarks.
Rhode-Island	250	150		Delivered to two volunteer companies.
Delaware	650	650		At Wilmington, New-Castle and Lewistown,
Ohio	1,500	1,500	1,500	Delivered to major-gen. Wadsworth.
Ditto	2,000	2,000		The militia and volunteers under general Hull.
Total,	4,400	4,300	1,500	

Imprisonment of Seamen.

HOUSE OF REPRESENTATIVES OF THE UNITED STATES, *Tuesday, December 22.*

To the House of Representatives of the United States:

I transmit to the house of representatives a report of the secretary of state, complying with their resolution of the 9th inst.

JAMES MADISON.

The secretary of state to whom was referred the resolution of the house of representatives of the 9th inst. requesting information touching the conduct of British officers towards persons taken in American armed ships, has the honor to lay before the presi-

dent the accompanying papers, marked A. B. C. from which it appears that certain persons, some of whom are said to be native, and others naturalized, citizens of the United States, being parts of the crews of the United States armed vessels, the "Nautilus" and the "Wasp," and of the private armed vessel, the "Sarah-Ann," have been seized, under the pretext of their being British subjects, by British officers, for the avowed purpose, as is understood, of having them brought to trial for their lives, and that others, being part of the crew of the "Nautilus," have been taken into the British service.

The secretary of state begs leave also to lay before the president the papers marked D. and E. from these it will be seen that whilst the British naval officers arrest, as criminals, such persons taken on board American armed vessels as they may consider British subjects, they claim a right to retain on board British ships of war American citizens who may have married in England, or been impressed from on board British merchant vessels—and that they consider an impressed American, when he is discharged from one of their ships, as prisoner of war.

All which is respectfully submitted.

JAMES MONROE.

Department of State, Dec. 19, 1812.

(A.)

Extract from a letter of lieut. F. H. Babbitt, to master commandant William M. Crane, of the United States navy, late of the U. S. brig Nautilus, dated,

BOSTON, (Mass.) 13th Sept. 1812.

Enclosed I send you a description of the portion of our little crew, who have been so debased and traitorous, as to enter the service of the enemy. Also a list of those gallant fellows whose glory 'twould have been to lost their lives in the service of their country, and whose misfortune it has been to cross the Atlantic, on suspicion of their being British subjects: four of them, native born Americans, and two naturalized citizens. On their parting with me, and removal from the Africa, of 64 guns, to the Thetis frigate (the latter with a convoy for England, then in 43, 30, N. and 46, 30, W.) their last request and desire was, that I would particularly acquaint you with their situation, with their determination never to prove *traitors* to that country whose flag they were proud to serve under, and whose welfare and prosperity they equally hoped and anticipated to realise.

(Signed) F. H. BABBITT.

A list of men said to have entered on board H. B. M. frigate Shannon, com. Brooke, and their description as far as known:

Jesse Bates, seaman—about 5 feet 9 inches high, dark hair and complexion, dark snapping eyes, has an impediment in his speech—and at times affects lunacy, has a wife and family in Boston, Mass.

Samuel Lang, marine—born in Kentucky, 5 feet 8 inches, or thereabouts; and is supposed to be enlisted with capt. Hall, of the U. S. marines, New-York.

John Young, marine—5 feet 5 inches high, large mouth, enlisted with capt. Hall, navy-yard, New-York—when addressed or in addressing an officer, casts down his eyes; for his particular description, as well as that of

John Rose, marine—about 5 feet 8 inches, brown hair, full face, thick set and a scoul in his countenance, refer to capt. John Hall.

John O' Neal, seaman—about 25 years of age, 5 feet 5 inches, dark hair, sharp face, dark eyes, thick set, and was shipped at Norfolk, Va. previous to your taking command of the Nautilus.

William Jones, ordinary seaman—about 5 feet 8 inches high, 24 years of age, full face, thick set, down cast look, and is a very alert man, entered at New-York in April last.

(Signed) F. H. BABBITT.

(B.)

Washington City, Dec. 17, 1812.

SIR—I have the honor to annex a list of twelve of the crew of the late U. S. Wasp, detained by capt. J. Beresford, of the British ship Poictiers, under the pretence of their being British subjects.

I have the honor to be, &c.

GEO. J. WISE, *Purser*

The hon. Paul Hamilton.

John M'Cloud, boatswain—has been in the service since 1804, married at Norfolk in 1804 or 5, and has a wife and four children there.

John Stephens, boatswain's mate—has been in the service 5 or 6 years.

Geo. M. D. Read, quarter-master—has a protection and has sailed out of New-York and Philadelphia for several years.

Wm. Mitchell, James Gothright, John Wright, Thos. Philips, and *Peter Barron*, all seamen;—*John Connor, John Rose, George Brooks* and *Dennis Daugherter*, ordinary seamen—the greater number, if not all, had protections at the time of entering and being taken. Two others were detained—*John Wade* and *Thomas Hutchins*, but were given up; the former on capt. Jones' assuring capt. Beresford he knew him to be a native citizen—the latter, on a like assurance, from lieut. Rodgers. Wm. Mitchill was in the service during 1805 and 6 in the Mediterranean.

GEO. J. WISE, *Purser.*

SIR J. B. WARREN TO MR. MONROE.

Halifax, 30th September, 1812.

SIR—Having received information that a most unauthorised act has been committed by commodore Rodgers, in forcibly seizing twelve British seamen, prisoners of war, late belonging to the Guerriere, and taking them out of the English cartel brig Endeavor, on her passage down the harbor of Boston, after they had been regularly embarked on board of her for an exchange, agreeable to the arrangements settled between the two countries, and that the said British seamen so seized are now detained on board of the U. S. frigate President as hostages, I feel myself called upon to request, sir, your most serious attention to a measure so fraught with mischief and inconvenience, destructive of the good faith of the flag of truce, and the sacred protection of a cartel. I should be extremely sorry that the imprudent act of any officer should involve consequences so particularly severe as the present instance must naturally produce if repeated; and, although it is very much my wish, during the continuance of the difference existing between the two countries, to adopt any measure that might render the effect of war less rigorous, yet, in another point of view, the conviction of the duty I owe my country, would, in the event of such grievance, as I have already stated, being continued, not admit of any hesitation in retaliatory decisions; but as I am strongly persuaded of the high liberality of your sentiments, and that the act complained of has originated entirely with the officer who committed it, and that it will be as censurable in your consideration as it deserves, I rely upon your taking such steps as will prevent a recurrence of conduct so extremely reprehensible in every shape.

I have the honor to be, &c.

JOHN BORLASE WARREN,

Admiral of the blue, and commander in chief.

MR. MONROE TO SIR J. B. WARREN.

Department of State, Oct. 28th, 1812.

SIR—I have had the honor to receive your letter of the 30th September complaining that commodore Rodgers, commanding a squadron of the United States navy, at the port of Boston, had taken twelve British seamen lately belonging to his Britannic majesty's ship Guerriere, from a cartel in the harbor of Boston and that he had detained them on board the President, a frigate of the United States, as hostages.

I am instructed to inform you, that enquiry shall be made into the circumstances attending and the causes which produced the act of which you complain, and that such measures will be taken on a knowledge of them, as may comport with the rights of both nations, and may be proper in the case to which they relate.

I beg you, sir, to be assured that it is the sincere desire of the president to see (and to promote, so far as depends on the United States) that the war which exists between our countries be conducted with the utmost regard to humanity.

I have the honor to be, &c.

JAMES MONROE.

Sir J. B. Warren.

(C.)

Extract of a letter from general Pinckney to the Secretary of War, dated,

CHARLESTON, Nov. 4th, 1812.

"Information having been given upon oath to lieutenant Grandison, who at present commands in the naval department here, that six American seamen who had been taken prisoners on board of our privateers, had been sent to Jamaica to be tried as British subjects for treason, he called upon the marshal to retain double that number of British seamen as hostages. The marshal, in consequence of instructions from the department of state, asked my advice on the subject, and I have given my opinion that they ought to be detained until the pleasure of the president shall be known. The testimony of captain Moon is herewith. I hope, sir, you will have the goodness to have this business put in the proper train to have the president's pleasure on this subject communicated to the marshal."

[The testimony of captain Moon has already been noticed in the Register.]

(D.)

Copy of a letter from admiral Warren to Mr. Mitchill, agent for the exchange of American prisoners of war, dated,

HALIFAX, 21st October, 1812.

SIR—I have had the honor to receive your letter and its enclosures relating to Thomas Dunn,* and beg leave to inform you that it appears the said man is married in England, has been eight years in his majesty's service, and received a pension from government. Under these circumstances, and the man never having made any application for his discharge to prison, he continues on board the Statira.

I have the honor, &c.

JOHN BORLASE WARREN.

Admiral of the blue, and commander in chief.

* The application was made at the request of his father, John Dunn of Boston, who transmitted a deposition of his birth.

Treasury Estimates for 1813.

[The following is the introductory article in a letter from the secretary of the treasury to the speaker of the house of representatives, transmitting "estimates of appropriation for the service of the year 1813; also an account of receipts and expenditures from Oct. 1811 to 30th Sept. 1812."—The pamphlet contains 104 pages; but we shall compress in a very small compass all that is generally useful; giving, however, the most interesting tables entire, for reference.]

Treasury Department, Dec. 17th, 1812.

SIR—I have the honor to transmit, herewith, estimates of the appropriations proposed for the service of the year 1813; also a statement of the receipts and expenditures at the treasury for the year ending on the 30th day of Sept. 1812.

The appropriations as detailed in the estimates, amount, in the whole, to twenty millions, four hundred and twenty-nine thousand, nine hundred and fifty-four dollars and forty cents, viz.

For the civil list,	$724,543 57
For miscellaneous expenses, including those for prisoners of war,	455,026 99
For intercourse with foreign nations,	154,400
For the military establishment, including 164,500 dollars for the Indian department,	14,369,875
For the naval establishment, including the marine corps,	4,726,108 84
	$20,429,954 40

The act, entitled "An act concerning the pay of non-commissioned officers, musicians, privates, and others, of the army, and for other purposes," having passed since the receipt of the war estimates, the estimate for the pay of the army has been altered at the treasury in conformity with the provisions of that act.

The estimate of the secretary of the war department is calculated on the whole number of the regular troops authorised by law; but does not include the permanent annuities to certain Indian tribes, nor the annual appropriation of 200,000 dollars for furnishing arms for the militia; those objects being provided for by permanent laws. Nor does it embrace the expenses for the militia and volunteers in actual service. The sums which may be actually expended in the year 1813, either for those objects, or for the annual appropriation of $200,000 for the purchase of timber for the navy, or on account of the unexpended balance of the appropriation for the defence of the maritime frontier, are not therefore included in the aggregate above stated.

The funds out of which appropriations may be made, for the purpose above mentioned, are:

1. The sum of six hundred thousand dollars of the proceeds of duties on imports and tonnage which will accrue in the year 1813; which sum is by law annually reserved for the support of government.

2. So much of the balances of appropriations unexpended on the 31st December 1812, as is not wanted to defray the expenses of that year.

3. The surplus of the revenue and income of the United States, which may accrue to the end of the year 1813, after satisfying the objects for which appropriations have been heretofore made.

4. The proceeds of such loan or loans as may be authorised by Congress.

I have the honor to be, very respectfully, sir, your obedient servant, ALBERT GALLATIN.

The hon. the Speaker of the House of Representatives.

AMOUNT OF DRAWBACK.

Statement exhibiting the amount of Drawback payable on sundry articles exported from the U. States in the years 1809, 1810, and 1811, compared with the amount of Duties collected on the same respectively—In a letter from the Secretary of the Treasury to the Speaker of the House of Representatives.

SPECIES OF MERCHANDISE.		In the year 1809.		In the year 1810.		In the year 1811.	
		Duties received.	Drawback payable.	Duties received.	Drawback payable.	Duties received.	Drawback payable.
On merchandise paying a duty of							
	15 per cent. ad valorem	3,522,184	506,770	6,593,612	612,069	2,852,535	438,656
	17 1-2	939,667	78,809	1,392,219	38,975	484,048	38,030
	22 1-2	73,363	1,957	130,506	5,729	32,210	2,568
WINES	Madeira	174,290	10,435	176,208	21,085	169,031	17,256
	Burgundy and Champaign	112	17	422		375	
	Sherry and St. Lucar	137,543	1,846	31,082	8,914	1,808	
	Claret	795	9,071	2,890	537	10,869	2,306
	Lisbon, Oporto, &c.	66,733	3,879	37,435	651	37,361	3,157
	Teneriffe, Fayal, &c.	148,153	9,850	166,856	16,516	194,406	10,575
	All other	20,763	120,217	72,181	29,120	194,020	61,464
SPIRITS	Distilled from grain	27,944	2,066	45,099	131	10,572	367
	Other materials	1,390,970	62,918	1,269,976	33,192	964,447	21,622
	Domestic produce	86		10		30	
MOLASSES		274,982	1,941	385,999	969	427,011	926
BEER, ALE AND PORTER		4,816	626	12,635	106	3,616	174
TEAS	Bohea	15,574	6,700	175,924	13,485	18,296	11,319
	Souchong	37,054	182,791	449,634	43,059	124,146	31,944
	Hyson	129,937	106,[illegible]26	417,331	102,382	115,629	29,432
	Other green	150,466	67,338	518,925	76,667	376,535	17,934
COFFEE		1,936,508	1,480,297	1,563,159	1,206,337	1,457,152	550,607
COCOA		29,053	51,366	46,088	8,110	47,967	32,442
CHOCOLATE		50		30		55	
SUGAR	Brown	1,285,422	735,144	1,300,367	577,394	1,452,530	96,228
	White clayed	429,580	614,456	522,498	437,585	492,015	424,195
	Loaf and candy	129	93	300		264	
	Other refined	31	2,122	2		79	
ALMONDS		4,841	1,420	1,970	707	4,989	152
FRUITS	Currants	1,645		2,087	1,456	2,087	
	Prunes and plumbs	845	33	545	193	870	
	Figs	3,550		7,061	323	5,822	634
	Raisins in jars and boxes	26,054	715	10,902	2,542	16,647	307
	Ditto all other	39,877	568	5,636	6,814	11,954	409
CANDLES	Tallow	29	2,240	1,183	423	951	303
	Wax and spermaceti	42	134	73		492	
CHEESE		1,766	10,946	2,905	290	882	325
SOAP		1,621	7,209	4,169	2,162	15,831	8,748
TALLOW		576	5,413	2,345		16,532	545
SPICES	Mace	3,142	4,388	23,276	5,582	15,849	17,696
	Nutmegs	24,199	2,018	48,284	39,361	73,320	43,744
	Cinnamon	349		108		8,061	5,437
	Cloves	10,284	4,182	24,444	19,432	35,236	26,208
	Pepper	286,665	363,313	349,262	279,783	169,834	190,337
	Pimento	14,532	675	22,622	1,912	15,283	809
	Cassia	3,618	7,453	16,355	8,425	11,535	5,140
Tobacco		31		95		1,142	
Snuff		199	656	756	520	80	
Indigo		24,855	117,497	186,090	185,290	196,614	104,489
Cotton		12,558	87,807	10,973	23,807	11,350	5,203
POWDER	Hair	5	37	1			
	Gun	3,274	487	1,178	279	160	
Starch		43		260		140	
Glue		2,377		3,772	465	576	
Pewter plates and dishes		852		314		155	
IRON	Anchors and sheet	12,414		12,878		5,069	
	Slit and hoop	3,960	1,654	8,691	905	1,764	743
Nails		29,328	8,429	45,160	2,757	5,796	1,303
Spikes		1,819	43	2,895	88	523	34
Quicksilver		763	125	113		859	
PAINTS	Ochre, yellow in oil	145		162		11	
	Do. dry	526		664		1,362	
	Spanish brown	12,345	165	9,920	475	224	139
	White and red lead	60,445	86	50,754	235	17,268	36
Lead and manufactures of lead		11,414	1,898	15,820	532	13,399	
Seines		88		99			
CORDAGE	Tarred	932	2,491	16,918	3,247	30,148	13,112
	Untarred	316	8	2,292	27	3,083	271
Cables		338	178	3,776	1,625	2,632	912
Steel		14,839	1,954	15,092	3,383	4,749	1,289
Hemp		17,188	697	178,760		221,434	2,125
Untarred yarn						4	
Twine and pack thread		3,016	54	12,135	379	5,554	696
Glauber salts		169		265			61
Salt		43					
Coal		18,410		19,907		4,862	
Malt				11		4	
FISH	Dried	4,710		4,031		644	
	Pickled salmon	1,204		4,835		325	
	Do. mackarel	2,639		2,372		2,082	
	Do. all other	1,363		802		119	
GLASS	Black quart bottles	4,700	670	12,912	358	2,042	173
	Window	45,854	284	51,299	988	13,033	70
Segars		44,956	6,224	41,893	10,285	28,114	4,101
Lime		23		26			
Boots		441	127	829		457	192
SHOES AND SLIPPERS, silk		275	1,197	445		1,130	148
	All other	791	696	1,724	80	858	53
CARDS	Wool and cotton			3		22	
	Playing	388		983	483	36	
Total		11,559,158	4,706,608	16,562,986	3,839,160	10,450,960	2,227,245

Treasury Department, Register's Office, November 19, 1812.

JOSEPH NOURSE, Register.

Events of the War.

MILITARY.

Captain Craig, of Shawanoe town, went up the Illinois river, for the purpose of joining col. Russel, whose expedition is noticed in page 205; but not falling in with him, he proceeded with 80 men to the old Peoria town, 20 miles above the one destroyed by Russel, where he was fired upon by the Indians. He got possession of the town, which he destroyed, with all the Indian property and improvements of every kind, with their wheat, corn and garden stuffs, in great quantities. He took 42 prisoners, among them an Englishman, and seized as prize of war, a large collection of furs. He returned with his prisoners and booty without the loss of a man. The day of fearful retribution has at last reached the deluded savage. He is hunted in the deepest recesses of his forests, in every direction, and will pay the penalty of his crimes.

The brave col. Fenwick, who was wounded and taken prisoner at Queenstown, has arrived at Albany, in good health.

The prisoners taken at Queenstown, have arrived at Portland from Quebec.

An Ohio paper says that brig. gen. Tupper, of the militia of that state, has been appointed to the same rank in the army of the United States.

Promotions in the corps of engineers, made by the President of the United States, and confirmed by the Senate.

Lieutenant-colonel Joseph G. Swift, to be colonel, vice Williams, resigned, to rank from July 31, 1812.

Major Walker R. Armistead, to be lieutenant-colonel, vice Swift, promoted, rank July 31, 1812.

Captain William M'Rea, to be major, vice Armistead, promoted, rank July 31, 1812.

First lieutenant Joseph G. Totten, to be captain, vice M'Rea, promoted, rank July 31, 1812.

First lieutenant, Samuel Babcock, to be captain, vice Partridge, deceased, rank Sept. 20, 1812.

Second lieutenant Frederick Lewis, to be first lieutenant, vice Babcock, promoted, rank September 20, 1812.

Appointment—James Gadsden, second lieutenant of engineers, December 2, 1812.

[The following letter from an intelligent and much respected correspondent, contains the latest and most correct information received of the north western army.]

Chilicothe, Dec. 22, 1812.

"Dear Sir—It is probable you are desirous to know what is going on in this quarter, at this important period. General Harrison, who has lately removed his head quarters from Franklinton to Delaware, is, it is said, about to proceed, and perhaps has already commenced his march to Sandusky, with a view, it is most probable, of concentrating the whole force of the North Western army, either at that place or at the Rapids of the Miami—most probably at the latter. The different divisions have been lying at different points for some time past. The left wing, composed of a regiment of regulars commanded by col. Wells, and the Kentucky volunteers, the whole under the command of gen. Winchester, is at the Rapids, to which place it lately proceeded from fort Winchester (late fort Defiance.) The right wing is composed of the detachments from Pennsylvania and Virginia. That from Pennsylvania, under the command of brig. gen. Crooks, has been sometime at Mansfield. The detachment from Virginia, commanded by brig. gen. Leftwick has been lying at Delaware. The centre of the army is composed of Ohio volunteers and militia, under command of brig. gen. Tupper—and a regiment of regulars under command of col. Miller. Gen. Tupper's brigade is at Fort M'Arthur. The whole force will probably amount to 7 or 8000. Such a force, principally brave hardy "*back woodsmen*," commanded by the Washington of the west—the excellent—the universally beloved Harrison, will be able to accomplish every thing which can be expected of them.

Vast supplies of provisions, munitions of war and military stores of every kind, have gone on to the army, and are still daily going on. Several tons of powder, lead, cannon-ball bomb-shells &c. have passed through this place, with the same destination. A great number of large sleds have been prepared at the different points to transport the military stores through the wilderness; which means of conveyance, at this season of the year, is thought preferable to waggons.

A detachment lately set out from Franklinton, upon a secret expedition to the westward. They have been heard from when within a days march of the Mississinway (Indian) towns on the Wabash, which appears to be their destination. They have not been heard from since, that I can learn of.

The "*Petersburgh Volunteers*" have arrived in town this evening, and taken up quarters in the court house or state house. A finer company (amounting, I am told to upwards of a 100) or more elegantly uniformed, has probably, never passed through this place. They certainly do much honor to the state from which they came.*

The legislature, now in session here, have passed an act appropriating $ 6000 for purchasing blankets for the militia in service."

Volunteers.—Considerable uncertainty has hitherto existed with respect to the sum which would be allowed in lieu of clothing to *Volunteers*, under the act of congress, passed the 6th day of February last. It is now ascertained that the following prices are established:

Infantry clothing	Corporals and privates	34	37
	Musicians	35	91
	Sergeants	37	47
Artillery do.	Corporals and privates	34	44
	Musicians	36	44
	Sergeants	37	85
Dragoons do.	Corporals and privates	53	22
	Musicians	55	9
	Sergeants	57	16
Rifle do.	Corporals and privates	37	98
	Musicians	39	83
	Sergeants	41	71

(*Albany Reg.*

OFFICIAL DESPATCH.

[General *Smyth's* letter to Messrs. *M'Clure*, and others, inserted in our last, page 263, is, in substance, pretty much the same as the following; which is chiefly inserted because it is *official*, as well as to place it immediatley with gen. Porter's statement.]

(COPY.)

Camp near Buffalo, 4th December, 1812.

SIR—The troops under my command having been ordered to hut themselves for the winter, it becomes my duty to report to you the proceedings had there since I took the command on this frontier.

On or about the 26th October, I ordered that 20 scows should be prepared for the transportation of the artillery and cavalry, and put the carpenters of the army on that duty.

*I have just learned this morning (23d) that the Ohio legislature, in session at this place, have invited them to a public dinner to-morrow. The governor and judges of the supreme court are in town and will no doubt, grace the festive board with their presence.

By the 26th of November, ten scows were completed, and by bringing boats from lake Ontario, the number was increased to seventy.

I had issued an address to the men of the state of New-York, and perhaps 300 volunteers had arrived at Buffalo. I presumed that the regular troops, and the volunteers under colonels Swift and M'Clure, would furnish 2300 men for duty; and of gen. Tannehill's brigade, reporting a total of 1620, as many as 413 had volunteered to cross into Canada. I deemed myself ready to cross "with 3600 men at *once*," according to your orders.

Preparatory thereto, on the night of the 27th November, I sent over two parties; one under lieut. col. Bœrstler; the other under capt. King, with whom lieut. Angus of the navy, at the head of a body of seamen united. The first mentioned party was to capture a guard, and destroy a bridge about five miles below Fort Erie; the second party were to take and render useless the cannon of the enemy's batteries and some pieces of light artillery. The first party made some prisoners, but failed to destroy the bridge; the second party, after rendering unserviceable the light artillery, separated by some misapprehension. Lt. Angus, the seamen, and a part of the troops returned with all the boats, while capts. King, Morgan, Sproul, lieut. Houston and about 60 men, remained; capt. King, notwithstanding, with those under his command, advanced to the enemy's batteries, attacked and took two of them in succession, rendered unserviceable the cannon, and took a number of prisoners. In descending the Niagara some distance, two boats were found, on board of which captain King sent his prisoners, all his officers, and half of his men. His high sense of honor would not allow him to quit the remainder. He was captured with them.

Orders had been given that all the troops in the neighborhood should march at reveillee to the place of embarkation. A part of the detachment sent in the night having returned, and excited apprehensions for the residue; about 250 men under col. Winder, put off in boats for the opposite shore; a part of this force had landed when a superior force, with a piece of artillery, appeared. A retreat was ordered, and col. Winder's detachment suffered a loss of 6 killed and 22 wounded, of whom 6 were officers.

The general embarkation commenced as the troops arrived; but this being the first time the troops had embarked, the whole of the scows were occupied by about one third part of the artillery, while about 800 regular infantry, something upwards of 200 12 months volunteers, and perhaps 200 of those militia who had volunteered their services for a few days, occupied all the boats that were ready. The troops thus embarked moved up the stream to Black Rock, without sustaining loss from the enemy's fire. It was now afternoon, and they were ordered to disembark and dine.

The enemy shewed a force estimated at 5 or 600 men drawn up in a field at some distance from the river; and had one piece of artillery, said to be a nine pounder, ready to fire on our troops.

There remained unembarked a part of the artillery, a few cavalry, the volunteers under col. M'Clure, amounting on that day to 340 men, a detachment from gen. Tannehill's brigade, number unknown, and little relied on.* There were also sundry crowds who might perhaps have followed the army had it been successful.

Recollecting your instructions "to cross with 3600 men *at once*;" and to consult some of my principal officers in "all important movements;" I called for the field officers of the regulars and twelve months volunteers embarked. Col. Porter not being found at the moment, captain Gibson was called as the most senior officer of artillery.

These questions were put—*Is it expedient NOW to cross over? Is the force we have sufficient to conquer the opposite coast?*

The first question was decided in the negative, by colonels Parker, Schuyler, Winder, lieut. colonels Bœrstler and Coles, and maj. Campbell. Col. Swift of volunteers, *alone* gave an opinion for *then* crossing over.

The second question was not decided—Col. Parker, col. Schuyler, lt. col. Coles, and major Campbell, were decidedly of opinion the force was insufficient. Col. Winder, col. Swift, lt. col. Bœrstler, and capt. Gibson deemed the force sufficient.

I determined to postpone crossing over until more complete preparations would enable me to embark the whole force at once, according to your instructions.

The next day was spent in such preparations; and the troops were ordered to be again at the place of embarkation at 8 o'clock on the 30th November. On their arrival they were sent into the adjacent woods, there to build fires, and remain until 3 o'clock in the morning of the 1st December, when it was intended to put off two hours before day light, so as to avoid the fire of the enemy's cannon, in passing the position which it was believed they occupied below; to land above Chippewa, assault that place, and if successful, march through Queenstown for Fort George. The contractor was called on to furnish rations for 2500 men for four days, when it was found he could furnish the pork, but not the flour. Sixty barrels were required, and only thirty-five furnished.

The embarkation commenced, but was delayed by circumstances, so as not to be completed until day light, when it was found that the regular infantry 688 men, the artillery 177, col. Swift's volunteers amounting to 230, six companies of federal volunteers amounting to 276 men, about 100 militia of col. Dobbin's regiment, and a few men in a boat with Mr. P. B. Porter, contractor's agent, who was to pilot the enterprise, had embarked; the whole on board, without the commissioned officers, being 1500 men, or there-abouts: and it was now two hours later than the time fixed on for setting out.—There were some groups of men not yet embarked; they were applied to, requested, and ordered by the brigade-major, to get into the boats; they did not: he estimated their number at 150; it was probably greater.

It then became a question whether it was expedient to invade Canada, in open day light, with 1500 men, at a point where no reinforcements could be expected for some days. I saw that the number of regular troops was declining rapidly. I knew that on them chiefly I was to depend.

I called together the officers commanding corps of the regular army. Col. Parker being sick, those present were col. Porter of the artillery, col. Schuyler, col. Winder, and lieut. col. Coles. I put to them this question: *Shall we proceed?* They *unanimously* decided that we ought not.

I foresaw that the volunteers who had come out for a few days would disperse. Several of them had on the evening of the 28th broken their muskets because they had not seen a battle. I foresaw that the number of regular troops would decrease, the measles had affected them generally; the constant use of fresh meat had produced dysentaries; and they were now in tents in the month of December. I informed the officers that the attempt to invade Canada would not be made, until the army was reinforced; and directed them to withdraw their troops, and cover them with huts immediately.

The volunteers and neighboring people were dissatisfied, and it has been in the power of the contractor's agent to excite some clamor against the course pursued. He finds the contract a losing one at this time; and would wish to see the army in Canada, that he might not be bound to supply it.

I am sorry the situation of the force under my command, had not been such as to make the propriety of a forward movement obvious to all. Circumstanced as we were, I have thought it my duty to follow the cautious counsels of experience, and not precipitation, to add to the list of our defeats.

You will perceive my motives by my letter of the 30th of October, wherein I said, "I would cross in three days, if I had the means. Without them it would be injustice to the nation and myself to attempt it, *I must not be defeated.*"

Allow me to recommend to your attention, and that of the secretary of war, captain William King of the 13th infantry, as an officer of the first class. His dauntless bravery, refined mind, high sense of honor, and ambition to distinguish himself, render him a fit subject for promotion, and he is perhaps the best disciplinarian in the army.

I have the honor to be, with perfect respect, sir, your most obedient,

ALEXANDER SMYTH,
Brigadier-General.

Major General Dearborn.

Statement of the number of troops embarked on the morning of the 1st of December, on the Niagara river, under the command of brigadier-general Smyth.

12th and 20th infantry	214	From official returns.
5th and 13th infantry	271	
14th and 23d infantry	214	
Artillery	177	
Col. M'Clure's volunteers	276	
Col. Swift's volunteers	230	By estimate.
2 companies of Dobbin's reg't.	100	Do.
With general Porter	30	Do.
	1512	

I certify that the strength of the 12th, 20th, 5th, 13th, 14th and 23d infantry, the artillery and col. M'Clure's volunteers embarked, are stated from official returns, and that no other troops than the above were embarked when the enterprise was abandoned.

JAMES BANKHEAD,
Captain and brigade major.

Buffalo, (Niagara county) Dec. 13.

[We are happy to have it in our power to give the official account of the recent affair on Grand Island:—it will tend to counteract the numerous falsehoods which are in circulation respecting the meeting. The challenge, we understand, was given by gen. Smyth.]

A meeting took place between gen. Smyth and gen. Porter yesterday afternoon on Grand Island, in pursuance of previous arrangements.

They met at Dayton's tavern and crossed the river with their friends and surgeons—both gentlemen behaved with the utmost coolness and unconcern—a shot was exchanged in as intrepid and firm a manner as possible, by each gentleman, but without effect. It was then represented by gen. Smyth's second, that gen. Porter must now be convinced that the charge of cowardice against gen. Smyth was unfounded, and should, in honor, be retracted; which, after mutual explanations, as to the matters which had given rise to the charge, was accordingly done by him. Gen. Smyth then explained, that his remarks, on gen. Porter, were the result of irritation, and were intended as provocatives, from having been assailed by gen. Porter, and that he knew nothing derogatory to gen. Porter's character as a gentleman and officer.

The hand of reconciliation was then offered and received.

* *Six hundred men of this brigade are said to have deserted in 24 hours. A court martial of this brigade fined a volunteer twelve and a half cents for desertion.*

We congratulate the friends of these gentlemen upon the fortunate termination of a difference arising from too much precipitation, but which has been adjusted in a manner so honorable to both.

WM. H. WINDER,
SAMUEL ANGUS.

Black-Rock, December 13, 1812.

TO THE PUBLIC.

In the gazette of last week, I promised to give an account of some of the most "prominent transactions of the 28th of November and the 1st of December." Having since that time, received from gen. Smyth, assurances, which, as a man of honor, I am bound to believe, that the course pursued by him on these days, was such as was required by his orders and instructions from the secretary of war and gen. Dearborn, this communication will assume a character quite different from the one contemplated. I am pledged, however, to the public to give facts, which I shall proceed to do without comment: leaving it to time to develope the object of the military movements which have appeared to me and others not only extraordinary but inexplicable.

On the 27th of November there was collected at this point a military force of about 4,500 effective men; consisting of regular troops, New-York, Pennsylvania and Baltimore volunteers, all under the command of gen. Smyth.

There were lying at the navy-yard, near Black-Rock, which had been previously prepared for the purpose of transporting the troops across the river,

70 Public boats calculated to carry 40 men each,	2,800
5 Long boats belong to individuals but which had been taken into the public service, calculated to carry 100 men each,	500
10 Scows for artillery, and 25 men each,	250
Besides a number of small boats,	
	3,550

At 2 o'clock on that day I received a copy of gen. Smyth's order for the march of all the troops, the succeeding morning at reveillee, to the navy yard, to embark for Canada. I immediately gave orders for the New-York volunteers, who had been placed under my command, to parade at 4 o'clock in the morning at their encampment, about one and a half miles from the navy-yard. In the evening I learnt that the parties mentioned in gen. Smyth's dispatch were to cross the river at 11 o'clock at night to attack the enemies batteries opposite Black-Rock. Gen. Smyth not being here, I waited on lieut. Angus and suggested to him the propriety (if within the scope of his orders) of postponing the enterprize until nearly morning, to give as little time as possible, before the passage of the army, for the enemy's troops to collect from their station down the river. They landed at three in the morning under a severe fire of musketry, and grape shot from two pieces of flying artillery. Lieut. Angus, with his little band of sailors, assisted by capt. King and a few of his party, attacked the principal force of the enemy, consisting of about 250, at the Red-House (the seamen charging with their pikes and swords against muskets and bayonets) and routed them in all directions: captain Dox, who took a distinguished part in this affair, was severely wounded. After a hard and destructive engagement, the enemy were completely dispersed, the two field pieces spiked, and the house in which the enemy quartered, fired; the seamen returned to our shore, bringing off their wounded and several prisoners. Out of twelve naval officers who embarked in this enterprize, nine of them, with more than half their men, were killed or wounded. If bravery be a virtue—if the gratitude of a country be due to those who gallantly and desperately assert its rights, the government will make ample and honorable provision for the heirs of those brave tars who fell on this occasion, as well as for those who survived. Capt. King proceeded to spike and dismount the guns in the batteries. Lieut.col. Bœrstler dispersed the enemy lower down the river, taking a number of prisoners.

By sun rise in the morning, most of the troops had arrived at the place of embarkation and the day was fine. I marched three hundred and forty of the volunteers who had rallied under general Smyth's invitation, well armed and provided, and in high spirits: about one hundred and fifty more, who came in the evening before, were at Buffaloe drawing their arms and ammunition, with orders to join us as soon as possible. I stationed my men, as instructed by general Smyth in a field at the navy yard, with directions to wait for further orders. The parties who had crossed in the night aided by our batteries, which at day light opened a powerful and well directed fire; and a piece of flying artillery on the island under charge of captain Gibson, had driven every thing from the opposite shore: Colonel Winder, an officer of great intelligence, zeal and bravery, under the mistaken apprehension that the party under lieutenant-colonel Boerstler, were in danger of being cut off, made an unsuccessful attempt (although his own boat landed) to land two hundred and fifty men at a difficult point down the river, and had returned as stated by general Smyth. The general embarkation now commenced, but it went on so tardily, that, at twelve o'clock, the whole of the regular troops, and colonel Swift's regiments were not in the boats. A considerable number of boats were lying on the shores of the river and creek having been thrown up by the high water of the preceding day. Several were in the creek half filled with water and ice. I called on gen. Smyth and proposed to occupy part of those boats with my volunteers many of whom were impatient to embark. Being however at this moment informed by colonel Porter, that the boats which had been used by col. Winder, were lying about a mile below, major Chapin and myself, with about thirty men, went down the shore, brought up five boats, filled them with men, and arrived at Black Rock, the point from which it was proposed to put off, as soon as any of the regular troops. At about two o'clock all the troops which it appeared were intended to be crossed at first, were collected in a group of boats at Black Rock under the cover of our batteries. I have seen no official account of the number of men in the boats. My opinion was that the number exceeded two thousand. Most men of observation estimated it at two thousand six hundred. The men were in fine spirits and desirous of crossing.

General Tannehill's volunteers, col. F. M'Clure's regiment, some riflemen, cavalry, &c. amounting to about two thousand, were still paraded on the shore, and, as I have been informed, were ready to cross. Several boats, of sufficient capacity to carry about one thousand men were still lying at the navy yard unoccupied. I have not been able to learn that any order or request was made for the embarkation of any of the troops other than the regulars and colonel Swift's regiment. The enemy, estimated at about five hundred, were drawn up in a line about half a mile from the river.

After remaining in the boats till late in the afternoon, an order was received to disembark. It produced among the officers and men generally great discontent and murmuring, which was however, in some degree allayed by assurances that the exped-

tion was only postponed for a short time, until our boats could be better prepared.

On Sunday another order was issued by general Smyth for the march of the troops to the navy yard to embark at 9 o'clock, on Monday morning. I was at Buffalo when it was received, and found that it was generally, as to time and manner, disapproved by the officer of the volunteers. I saw gen. Smyth, in the evening at Black Rock, with colonel Winder, and stated my objections to his plan. The enemy had remounted his guns on the batteries, so as to render it inexpedient to cross at the favorable point which had been taken on Saturday, above the island that covers the navy yard. Immediately below the island, the enemy lay in force, much augmented in consequence of the affair of Saturday, occupying a line of shore about a mile, where the current is rapid and the banks abrupt. I did not believe it possible to effect a landing with raw troops, in any tolerable order, if at all, in the face of the flying artillery and infantry, which a full view of our movements in the day time would enable them to oppose to us. I proposed to postpone the expedition to night—to march and embark the troops silently—to put off about an hour and a half before day light, so as to pass this dangerous line of shore in the dark, when we should suffer less from their fire, and to land about five miles below the navy yard, where the stream and the banks of the river were peculiarly favorable to a safe and orderly landing. Col. Winder seconded my proposal with great earnestness and force; and it was adopted. The army was to embark at 3 o'clock on Tuesday morning and to proceed at half past four, according to the order of a line of battle submitted a few days before by general Smyth—the regulars on the right, or in the front boats; general Tannehill's troops in the centre, and the New-York volunteers on the left. I was to go in the front boat with a chosen set of men, direct the landing, and join the New-York volunteers on their arrival.

On Monday evening seven boats for col. Swift's regiment, and eight for the late volunteers, were brought some distance up the river, and left at different points to avoid the noise and confusion of embarking the whole army at one place. At half past 3, on Tuesday morning the eight boats were filled with volunteers (col. Swift's regiment being higher up) and dropped down, taking their stations above the navy yard. On our arrival I found that about one half of the artillery (a corps which has, on every occasion while on the lines, shown great exactness of discipline, promptitude and zeal for the service,) had embarked, and the residue were embarking.—Not a man of the regular infantry was in the boats for about half an hour, when col. Winder's regiment entered their boats with great order and silence.

About three quarters of an hour after this, the remaining regulars commenced the embarkation, when I dropped down to the front of the line, with a flag in my boat to designate it as the leading boat. I was accompanied by majors Cyrenius Chapin and John W. Macomb, capt. Mills of the cavalry, adjutant Chace, and quarter-master Chaplin, two pilots and about twenty-five volunteers from Buffalo, under lieut. Haynes.

I mention the names of these gentlemen because they had the day before decidedly objected to passing at the proposed point by day light, but when day light appeared, and one of the men raised some difficulty on that account, he was induced to remain, and it was unanimously agreed to incur the additional hazard, and patiently wait the order of the general to put off. At day light we discovered the troops disembarking, and were informed that the invasion of Canada had been abandoned for this season, and that the troops were ordered to winter quarters. A scene of confusion ensued which is difficult to describe. About 4000 men without order or restraint discharging their muskets in every direction.

About one thousand volunteers came in under gen. Smyth's proclamation; but owing to the state of the roads, which was bad beyond example, many did not arrive until after the first of December.

It is impossible for me to form any estimate of the number of troops embarked at any one time this morning; it was scarcely light and I was at one end of a line of boats occupying the distance of half a mile. When the volunteers first arrived at the navy yard and it was found that the regular troops had not yet appeared, their officers were instructed to permit them to land and keep themselves warm by exercise, as the boats were covered with snow which had fallen during the night; but they were instructed not to leave the side of the boats, that they might immediately re-enter.

PETER B. PORTER.

Black-Rock, December 14, 1812.

NAVAL.

The late West India papers received, bear ample testimony of the activity of our privateers which are "*here, there and every where,*" assailing the vitals of the enemy, in destroying his commerce.

We learn from credible authority [says a New-York paper] that when captain Carden went on board the United States, to surrender his sword, he was very dejected, and repeatedly observed, that he was a ruined man, all his hopes of honor and fortune were blasted—"Why so, sir?" observed commodore Decatur—"This is the first instance of one of H. B. majesty's ships striking to a vessel of similar grade, and my mortification is insupportable," said captain C.—Pardon me, sir, (said the commodore) one of H. B. majesty's ships, the Guerriere, struck her colors the other day to the Constitution." Captain Carden, in the most rapturous manner, seized both of commodore Decatur's hands, and exclaimed, "then I am safe." After this much familiar and friendly conversation took place, and captain Carden appeared not to want his usual flow of spirits.

Generosity of American tars.—In the action between the United States and Macedonian, one of the carpenter's crew was killed, and left three children at the mercy of the world and a worthless mother who had abandoned them. Yesterday the father of the deceased went aboard the frigate to claim the property and wages of his son, when an enquiry into the circumstances of the family took place and a plan was agreed upon by the seamen for the relief of the orphans, and two dollars a piece was immediately subscribed, amounting to about eight hundred dollars, for the maintenance and education of the bereaved infants, to be placed in the hands of suitable trustees for the purpose. (*N. Y. Col.*

"*Dear allies.*" The British have sent considerable quantities of naval stores to their *Algerine* allies, to equip their ships for depredating on American vessels. Thus is a "triple alliance" formed against the United States—*Savages*, *Britons* and *Algerines*.

The *British* editors are mistaken in supposing that the *Guerriere* was the first British frigate that *America* has taken from them. The *Fox*, of 32 guns was captured by the *Hancock*, captain *Manly*, in 1778; and the *Serapis*, carrying 56 guns, was taken by *Paul Jones* in the *Good Man Richard*, of 36 guns, under great disadvantages and with a reduced crew.

It is stated that capt. *Dacres*, on his return to Halifax, being reflected upon by his brother officers, has quarreled with *five*, fought *two*, and killed *one*, (capt. Stackpole of the Statira) in a duel. It is fur-

ther said, that the admiral finding that capt. Dacres, with his life, would support the necessity of his surrender to *Yankee* skill and courage, has arrested and prudently sent him home.

The frigate *Adams*, rebuilt and lengthened 15 feet, was launched at the navy-yard, Washington, on the 24th ult. The greater part of her seamen, we believe, are already entered, and she will forthwith be sent to sea, under the command of capt. *Morris*.—She rates 32 guns.

A resolution has been introduced into the legislature of Pennsylvania, to present a superb emblematical silver Urn, to com. *Decatur*, with the thanks of the commonwealth, for his late victory over the British frigate *Macedonian*.

A Portuguese indiaman, off Porto Rico, fired upon the privateer Governor Tompkins, of New-York——the latter returned the salute, captured the ship and made the master pay for the shot he had expended! after which she was released.

The Poictiers of 74 guns, with the Acasta and Maidstone frigates, and the sloop of war, Sappho, are still off the capes of Virginia—yet our vessels go in and out freely; but a few are captured.

Of the wounded on board the Macedonian frigate, it is said only fifteen will survive!

The freedom of the city of New-York, was presented in great style, to captain *Hull*, at the City Hall, on the 28th ultimo, in a gold box, richly set with emeralds, representing the action between the *Constitution* and *Guerriere*. We have not room for the particulars of the ceremony this week.

A *London* editor has discovered that commodore *Rodgers'* real name is *Gray*, that he was born in *Scotland*, and is by trade a *baker*. This, we suppose, is preparatory to trying him for a *traitor*, as a "natural born subject of his majesty," if they catch him. It is strange that this man is so much hated by *all* the English. *Maryland* is proud to own him for her son.

Proclamation.

By his royal highness the Prince of Wales, Regent of the united kingdom of Great Britain and Ireland, in the name and on the behalf of his majesty, a Proclamation.

GEORGE P. R.

Whereas we are informed that great numbers of mariners and seafaring men, his majesty's natural born subjects, are in the service of divers foreign princes and states, to the prejudice of his majesty's kingdom: and whereas attempts may be made to seduce some of his majesty's subjects, contrary to their allegiance and duty to his majesty, to enter on board ships or vessels of war, or other ships or vessels belonging to the United States of America, with intent to commit hostilities against his majesty or his subjects, or otherwise to adhere or give aid or comfort to his majesty's enemies upon the sea; now we, in order that none of his majesty's subjects may ignorantly incur the guilt and penalties of such breaches of their allegiance and duty, have thought it necessary in the name and on the behalf of his majesty, and by and with the advice of his majesty's privy council, to publish this proclamation, hereby notifying and declaring that all persons, being his majesty's subjects, who shall enter or serve, or be found on board any ships or vessels of war, or other ships or vessels belonging to the United States of America, with intent to commit hostilities against his majesty or his subjects, or who shall otherwise adhere or give aid or comfort to his majesty's enemies upon the sea, will thereby become liable to suffer the pains of death, and all other pains and penalties of high treason and piracy: and we do hereby declare, in the name and on the behalf of his majesty, our intention and firm resolution to proceed against all such offenders according to law.

Given at the Court at Carlton House the 25th Oct. 1812, and in the 53d of his majesty's reign.

Perpetual Motion.

It has excited the surprize of several readers that we have maintained a studied silence as to the discovery of the *perpetual motion*, claimed by Mr. Readhæffer of Pennsylvania. We received from various quarters, the most positive assurances as to the justice of his high and honorable pretension;—while others, on whose opinion we also very much relied, requested we might suspend all publications on the matter until the principles of the machine were better ascertained. It appears, that a little model of Readhæffer's machine, made by Mr. Lukens of Philadelphia, fully tests the correctness of the principles the discoverer claims, having been in motion several days, self-produced and continual. For the mere mention of this important fact we notice the discovery at this time, as the legislature of Pennsylvania, always on the alert to promote the good of society, have appointed a committee of scientific gentlemen, "to examine and report the principles of the machine invented by Mr. R." Mr. *Duane*, editor of the *Aurora*, who had the honor first to announce this discovery to the world, speaking of the model above alluded to, says—

"Mr. Lukens was one of those who doubted the reality of spontaneous motion produced by such means, and he undertook to test the principles by experiment; he understood the inventor's explanations, and the manner of their application, and has applied them, and has had the justice to acknowledge the conviction of his first error; some hundreds of citizens have seen this second machine; and it remains now with the logicians and loggerheads—the mathematicians and the meritricians—to open new batteries of folly and prejudice, and array all the artillery of paradox—to batter down the solid foundations of common sense."

British Paper Money.

The price of gold in England, to be paid for in bank notes, is 5l. 8s. per oz.; the guinea, therefore, sells for 30s. It is admitted by all hands, "that the scarcity of money becomes every day more inconvenient"—and the *Morning Chronicle*, a London ministerial paper, says "*every pound sterling we have to pay, even to our troops abroad, costs us thirty shillings.* *Cobbett* says, that the dearness of all the articles of life is complained of—but, he tells us, "if a guinea be worth 30s. a load of wheat which sells for 30l. does in fact only sell for 20l. and so on with other things." Great industry is practised in all parts of the country to purchase and lay up, for the times that are coming, every description of specie—gold and silver. "There is an idea of calling in, and paying in bank notes, for all the plate in the kingdom." But this would afford no relief, as the whole would be swallowed up by the mighty mass of paper, supposing it were completely effected.—An awful crisis, long looked for, and feared even by the enemies of the *British* government, is approaching. It has been matter of wonder how the public credit was sustained; for the whole amount of the *circulating paper medium* in Great Britain and Ireland is more than *five thousand millions* of dollars and

the whole value of the specie and plate, hoarded and in circulation, is probably below *one hundred and fifty* millions. The continent is full of English guineas—they circulate more freely in *Paris* than in *London*; indeed, in the latter it is a rarity to see one except as a *pocket-piece;* while in the former they are abundant, *Bonaparte* having cunningly permitted the exportation of grain, &c. for the express purpose of draining his enemy of the precious metal and depreciating his *paper* credit. He has effected his objects; and all the specie in *Europe*, poured into the lap of the *British* ministry, would not give confidence to their substitutes for money. Stocks of all kinds are greatly depressed, though *paper* is plentiful enough to purchase them. The *Bank of England* notes, compared with specie, are nearly *forty-three per cent. under par.* They have therefore, depreciated about 20 *per cent.* in the last six months.

The Patriotism of the Fair.

The ladies of the small town of Poultney, Vermont, associated themselves for the purpose of knitting socks and mittens for such of the citizens of that place as had been called into the service of their country, which were duly presented with the following address:

To the patriots and citizens, soldiers of Vermont, commanded by gen. Ormes, now on the lines, or in Canada.

Although destined by the God of nature for duties less arduous than man, we have not been denied the blessed gift of patriotism, and a love of that freedom at whose shrine our fathers have sacrificed their days of youth, and to obtain which so much blood has crimsoned the earth. Impressed with these sentiments, we can but admire, and in our hearts praise the rekindled spirit which has led to you to imitate the fathers of freedom, the founders of that gigantic republic whose first pillar was raised amidst oppression, tyranny and corruption, and boldly, to step forth in defence of the rights of man, your country's dignity and all that is endearing to the patriot and soldier—that you must suffer hardships, the history of former days has taught us, amidst cold sleeting rains, drifting snows, in the most rigorous of seasons, and in a country where the cold is scarcely supportable when all the comforts of life are at command, what sufferings must a soldier's life be productive of? If the few mittens and socks which we have prided ourselves in knitting, can in any wise promote your comfort, the wish of our hearts will be accomplished. Wrongs, indignities and national honor fire your breasts, and spur you on to revenge; may the God of war smile on the just cause, and crown you with victorious laurels!

Signed in behalf of the ladies of Poultney,

SALLY M. WATSON,
ESTHER KENNE,
BETSEY M. WITHERELL,
PARLEY CRUTTENDEN,
LAURE MASEON,
HARRIOT SPRAGUE,
} Committee.

Poultney, Vt. Nov. 11, 1812.

Proceedings of Congress.

The following were the yeas and nays in the house of representatives on Wednesday on the final passage of the bill to cancel the *merchants bonds.*

YEAS—Messrs. Alston, Bacon, Baker, Bigelow, Bleecker, Breckenridge, Brigham, Burwell, Calhoun, Carr, Champion, Cheves, Chittenden, Cook, Davenport, Ely, Emott, Fitch, Gold, Goldsborough, Gray, Green, Hufty, Jackson, Kent, Law, Lewis, Lowndes, M'Bryde, M'Kim, Milnor, Mitchell, Mosely, Nelson, Newbold, Pearson, Pitkin, Picasants, Potter, Quincy, Randolph, Read, Richardson, Ridgely, Robertson, Rodman, Sammons, Sawyer, Seybert, Sheffey, Stanford, Stuart, Stow, Sturges, Taggart, Tallmadge, Tracy, Turner, Van Courtlandt, Wheaton, White, Williams, Widgery and Wilson—64.

NAYS—Messrs. Anderson, Avery, Bard, Barnett, Bartlett, Bassett, Blackledge, Boyd, Brown, Butler, Clay, Cochran, Clopton, Condit, Crawford, Davis, Dawson, Desha,, Dinsmoor, Earle, Findly, Fisk, Franklin, Gholson, Goodwyn, Grundy, Hall of N. H. Hall, of Georgia, Harper, Hawes, Hyneman, Johnson, King, Lacock, Little, Lyle, Macon, Maxwell, Moore, M'Coy, M'Kee, Morgan, Morrow, New, Newton, Ormsby, Pickens, Pond, Ringgold, Rhea, Roane, Roberts, Sage, Seaver, Shaw, G. Smith, J. Smith, Strong, Taliaferro, Troup, and Whitehill—61.

The senate have agreed to the amendments of this bill proposed by the house; and it only requires the signature of the president to become a law.

The senate have before them a bill, for the better organization, &c. of the militia of the United States.

House of Representatives, Thursday, Dec. 24.—A bill was reported by the military committee of the house of representatives, "in addition to the Act to raise an additional military force, and for other purposes," the object of which is to raise, in addition to the present military establishment of the United States, twenty regiments of infantry, to be enlisted for one year, unless soon discharged. The last section of the bill goes to *repeal* the act "authorising the President of the United States to accept and organize certain volunteer military corps," and the act supplementary to the same act.

Another bill is reported by the same committee to amend the existing laws relating to the army, one object of which is to increase the bounty enlistments; another to authorise the appointment of an additional major to each regiment, and a third lieutenant and an additional sergeant to each troop or company in the service of the United States.

After transacting some minor business, the house adjourned till Monday, when the engrossed joint resolution of approbation and thanks to *Hull, Decatur,* and *Jones* was read a third time, passed, and sent to the senate. On Tuesday and Wednesday the house was engaged in discussing the above mentioned bills—the principles of which, for increasing the officers and raising the bounty to $40, was settled by the yeas and nays on engrossing the same for a third reading—which were as follows—

YEAS.—Messrs. Alston, Archer, Avery, Bacon, Bard, Barnett, Bassett, Bibb, Blackledge, Brown, Burwell, Butler, Calhoun, Carr, Cheves, Clay, Cochran, Clopton, Crawford, Cutts, Davis, Desha, Dinsmore, Earle, Findley, Fisk, Franklin, Goldsborough, Green, Grundy, B. Hall, O. Hall, Harper, Hawes, Hyneman, Kent, King, Lacock, Little, Lyle, Macon, Moore, M'Coy, M'Kee, Mitchell, Morrow, New, Newton, Ormsby, Pickens, Pleasants, Pond, Richardson, Robertson, Rhea, Roane, Roberts, Sage, Sammons, Sevier, Seybert, G. Smith, Taliaferro, Tracy, Troup, Turner, Whitehill, Williams, Widgery, Winn—70.

NAYS—Messrs. Baker, Bigelow, Bleecker, Boyd, Breckenridge, Brigham, Champion, Chittenden, Davenport, Ely, Emott, Gold, Gray, Hufty, Jackson, Law, Lewis, Maxwell, M'Bryde, Mosely, Newbold, Pearson, Pitkin, Potter, Quincy, Randolph, Reed, Rigely, Rodman, Sheffy, Stanford, Sturges, Taggart, Tallmadge, Wheaton, White, Wilson—37.

The house then proceeded to discuss the other bill, which goes to raise an additional regular force

of 20,000 men for one year [making 55,000 in the whole] unless sooner discharged, with a bounty of 16 dollars—a motion made to postpone its consideration till Monday next was negatived—71 to 44—when the business was interrupted by Mr. Findley, who announced the decease of his venerable colleague, JOHN SMILIE, esq. a member of the house and chairman of the committee of foreign relations. Messrs. *Findley, Lyle, Brown, Roberts, Davis, Lacock* and *Hyneman* were appointed a committee to superintend his funeral, and the customary badge of mourning being directed, the house adjourned.

American Prizes.

WEEKLY LIST—CONTINUED FROM PAGE 270.

"The winds and seas are Britain's wide domain,
"And not a sail without *permission* spreads!"
British Naval Register.

306. Brig Two Brothers, sent into New-York, by the Benjamin Franklin privateer.

307. Brig Active, of ten guns—valuable—sent into Charleston, S. C. by the High Flyer of Baltimore.

308. Brig ———, sent into Portland, by a letter of marque brig from that port for France.

THE CHRONICLE.

PAUL HAMILTON, Esq. has resigned the office of *Secretary of the Navy.*

The famous Russian general, Prince Bagration, has died of his wounds received at the great battle near Moscow.

Notwithstanding the harvest in Great Britain was as good as usual, the price of bread has advanced.—The manufacture of starch from corn is prohibited, and the brewers are ordered to use sugar instead of grain.

We have some little shreds of news from the Spanish main. *Miranda* has been sent to Spain, to meet the rewards of his double treason. In consequence of the cruel proceedings of the archbishop and viceroy of Mexico, general insurrection is again the order of the day in all the countries over which he had sway. *Carthagena* is in possession of the independents, and they have gained some important advantages. Success to them!

The advances of Massena in Spain have compelled lord Wellington to raise the siege of Burgos. We have nothing important from Russia since our last; but give it as our unqualified opinion that the war in that country is at an end.

Kingston, Jamaica, has suffered much from an earthquake that violently shook it on the morning of the 11th November. Many houses were thrown down and several lives lost.

Died a few days since in Orange county N. Y. General *James Clinton*, in the 76th year of his age—a soldier of the revolution, much esteemed for his public services and private virtues.

The legislature of New-Orleans refused to confirm the nomination of general Posey as one of the senators of that state in congress, and elected James Brown, Esq.—The votes were for Mr. Brown 26—for general Posey 16. They also (25 to 16) appointed three electors of a president and vice-president of the United States, who have voted for Messrs. Madison and Gerry.

The number of votes given in for governor at the recent election in Ohio, was about 20,000, of which *Return J. Meigs* had 11,850, and *Thomas Scott* 7,903.

The following gentlemen are chosen representatives to the thirteenth congress from the state of Ohio: John M'Lean, John Alexander, Duncan M'Arthur, James Kilbourn, and John S. Edwards; all republicans.

Contrary to the fact, as stated in the last Register, the legislature of New-Hampshire has adjourned without electing a senator of the United States. To make the choice requires a *concurrent* vote. The senate had 7 republicans and 5 federalists. One of the majority preferred a different man to the one selected by his colleagues; and, the minority, by joining him, prevented a choice, the vote being 6 and 6.

Mr. *Madison* is elected President of the United States for four years from the 4th of March next, by a majority of 39 votes—and Mr. *Gerry* Vice-President, for the like term, by a majority of 41 votes. The majorities would have been 40 and 42, respectively, had not the sickness of one of the *Ohio* electors prevented his attendance, at the time and place appointed. Particulars hereafter.

The election for members of congress in *Vermont* has been very closely contested, owing, as it is alleged, to the absence of the volunteers—We learn the six republican members have been chosen by a majority of from one hundred to four.

In *New-York*, it is stated, that eighteen federalists have been chosen—the accounts are contradictory.

Our trade to France is assuming great activity, and arrivals are frequent—but we hear no news of importance. *Bonaparte* was at Moscow on the 12th of Oct. re-establishing that city, where the theatres were opened, and said to be numerously attended. A conspiracy at Paris is spoken of, which, being discovered, brought several persons to the scaffold.

☞ After presenting the compliments of the season to his very numerous patrons, and assuring them that he enters upon the year 1813 with a renewed desire to increase the value of this highly favored work, the editor respectfully subjoins the conditions on which it is published, the season being fitted to the subject:

The WEEKLY REGISTER issues every Saturday—it makes 52 numbers of 16 pages each, or two heavy volumes, *per annum*; no *extra* charge is made for *supplements*, as is customary with works of this kind, and a voluminous *appendix* will be gratuitously presented to close the third volume. The price is $5 *per annum*, payable in advance. The REGISTER first appeared on the 7th of Sept. 1811—the second volume commenced on the 5th of March, 1812—the third, or present volume, Sept. 5. Subscribers must begin with a volume—and may be furnished from the commencement of either; but the first volume, which has been reprinted at a great expense, will not be disposed of but to those who pay 10$, being the subscription of the last and present year. If any complete files should remain on hand after the termination of the third volume, the payment of 15$, or three years subscription in hand, will be necessary to obtain them;—being 18 months subscription for the volumes delivered, and the same in advance. The editor *insures* the safe carriage of the REGISTER by the mails, by making up deficiencies, being informed of them free of expense.

The editor respectfully requests that gentlemen acting as agents for this work, will be so good as immediately to furnish the *names* of those who have not paid the last year's subscription, provided the account is unclosed, and the same have not been transmitted, that the due discrimination may be made, and mistakes avoided—as, when the present volume terminates, the papers of those in arrears will be stopped, agreeably to a determination sometime since made known. Nor will the *appendix*, designed as a free gift of gratitude to punctual subscribers, be delivered to others.

THE WEEKLY REGISTER.

No. 19 of vol. III.] BALTIMORE, SATURDAY, January 9, 1813. [whole no. 71.

Hæc olim meminisse juvabit.—Virgil.

Printed and published by H. Niles, South-st. next door to the Merchants' Coffee House, at $5 *per annum.*

Legislature of Ohio.

On Wednesday the 9th ult. the governor of this state delivered to the legislature the following speech.

Gentlemen of the Senate, and of the House of Representatives,

It has pleased the Great Disposer of all things, that in the course of human events, you are convened at this time under circumstances not heretofore experienced in this state. The change of the relations between the United States of America and their territories, and the United Kingdom of Great Britain and Ireland and their dependencies, has varied our situation and produced operations in which the state of Ohio has been actively interested.

Soon after the close of the last session of the general assembly, I received a requisition from the President of the United States, to organize and march to Detroit a detachment of twelve hundred of the militia of Ohio. The formation of the corps was rapidly executed by the patriotic zeal of our fellow-citizens, who immediately repaired to the field, and by direction of the President the command was delivered to brigadier-general Hull of the army of the United States.

The result of the expedition in which those troops were employed is too well known, and too painfully disastrous to relate.

Yet, gentlemen, I have the consoling assurance (in which you cannot but proudly participate) that those volunteers of Ohio, performed their military duties with the fortitude and courage of freemen, contending in behalf of the insulted rights of their country. Intermingled, however, with this consolation are mournful regrets for the loss of several brave officers and gallant soldiers, whose lives evinced their heroism and whose deaths were sealed in the devotion of their blood. And it is trusted that the justice of the general government will make provision for those dependent relatives whose prospects are entombed, and whose losses can never be repaired on this side of the grave. While our army lay in Canada I was preparing three distinct corps, of three hundred militia each, destined to join colonels M'Arthur, Findlay and Cass, as augmentations to their respective regiments. A part of these corps had reached Urbana and the remainder were on their march, when the unlooked-for intelligence of the surrender of Detroit arrived. The inhabitants, near the Indian boundary line, were thus suddenly presented with an immediate prospect of savage incursion with all its attendant horrors. Orders were speedily transmitted to the frontier commandants of brigades, to adopt immediate measures for the protection of all within the range of their authority, by the erection and occupancy of block-houses suitable for the resort of contiguous inhabitants which might associate for mutual defence. These orders have been promptly executed. Arms and ammunition drawn from the United States' arsenal were distributed as far as the extent of my ability and authority would permit, and the frontier greatly relieved from an alarming inquietude. The design of augmenting those regiments being lost, objects of new and greater magnitude arose. Being called on by the secretary at war to aid by every means within the executive power of the state, two brigades were organized, which have long since taken the field, one at Fort M'Arthur, the other on the margin of the lake, amounting to nearly three thousand. These are placed under the direction of the commander in chief of the North-Western army, whose talents and perseverance are presages of success. The same spirit and zeal which was exhibited by the first army has animated the second, and the recent rencontres at the rapids of Miami have done honor to the troops and their commanders. When these operations commenced, in order, as far as practic able, to remove the reality and apprehension of danger from the exposed frontier, and acting under the authority of the United States, I called to one point all the neighboring Indians, which claimed and deserve the protection of the United States, and placed them under cautious regulations until the several columns of the army should have advanced.

Had the recommendation made at the last session, relating to a provision for arms and ammunition been adopted, it is believed that no abandonment of the frontiers would have occurred—the subject is again presented for your consideration, and particularly as concerns the equipment of cavalry, of which there is great deficiency.

During the current year I have received from the United States about three thousand stand of arms and equipments for the use of the state, some of which have been delivered to detachments as occasions demanded—it will be your province to provide for their being repaired, distributed and preserved. Of the few pieces of artillery belonging to the state, three are completely mounted and harnessed, and now in actual service, and it is advisable to cause the remaining two to be mounted and equipped.

It is to be regretted that the congress of the United States has not provided a more efficacious system of militia organization, discipline and duty—the time is, however, now arrived when the militia law of the state will deserve your improving attention, and to your consideration is submitted the expediency of authorising by law the formation of companies of mounted volunteers, and when organized to be held in constant readiness—and to be bound to serve not exceeding a given number of days. When occasion for this species of service (with a definite object in view) has occurred, so much time has unavoidably been consumed in associating—collecting and organizing—that the object has been lost, the movements not sufficiently simultaneous—too tardy for the emergency.

Every government must necessarily protect itself by all constitutional and legal means—every individual ought, according to the laws, to contribute his just proportion for its support. Religious tolerance is an amiable principle of our state constitution—but whether that principal shall be extended to an exemption from the duties growing out of the social compact, when the parts form the whole, and the whole are bound to protect all the parts—and whether personal service can, with justice or safety, be commuted for pecuniary penalties in a time of war, frontiered, as we are, is with you to decide.

[Here follows several paragraphs strictly local.]

Gentlemen,

A new and important period has occurred in the American history. The people of the United States have been driven into a necessary war to preserve its undeniable rights.

A nation to be free must possess the right of enjoying what the great author of nature, who spread the waters upon the deep, in his wisdom had designed. No particular nation can appropriate to itself that in which every other has the natural right to an equal participation; nor, with justice, arrogate to itself the prerogative of a dominion of the ocean.

The declaration of war, is but a practical renewal of the declaration of independence, in which celebrated performance is contained a recital of many of those acts of injustice and oppression, which caused its adoption; and of which the nation again has reason to complain, and which a sense of duty urges to oppose with all the forces in the union.

Since the recent pacific overtures for adjustment and the candid proffers of preliminary arrangement, on the part of the United States, have not been met with correspondent desires, it is to be hoped, as it ought to be reasonably expected, that every energetic means will be urged to bring, by force, the war to a just, speedy and honorable termination.

The government of the United States has ever with an unceasing philanthropy, and great expense, labored to civilize the savages on her borders, to diminish the ferociousness of their natures, to cultivate among them the arts of peace, to estrange them from the cruel rites of Moloch, and to inspire them with a true knowledge of a beneficient Deity.

The contrast is obvious, on the ocean your impressed brethren are compelled by the torturing lash to raise their unwilling arms against the country of their birth, and in maritime exile drag out an unhappy existence. On the west, hordes of barbarians, stimulated by British influence, tare alike the scalp from the mother, and the infant in her arms, and with relentless fury stain the land of freedom with the blood of her sons.

Thus on our frontiers, on the part of our enemy, the war is characterised by the disgraceful alliance of pretended civilization, and inexorable barbrrity.

Yet, through an apparent cloud in the western horizon, the brighter light of future prospects may be rationally anticipated, nor do I deem the time far distant when the western and northern boundary lines of the state shall be run and designated as provided for by a law of the United States, passed the last session of congress—and a great portion of the Indian title within them shall be extinguished, and territorial indemnification acquired from the heathen remnants of those mighty hosts which have warred upon us without reason or provocation.

Situate as is the state of Ohio, bordered by hostile tribes and British possessions, new and weighty duties are required. The man who would desert a just cause, is unworthy to defend it. Let us banish all rivalry, beyond that honorable emulation which is devoted to the public weal, and redounds to its benefit and support; let no man shrink from his duty in whatever station the laws of his country may have placed him. The heroes of the revolution—*where are they?* And the fathers of our independence—*do they live forever?* No: they are gone. But from new emergencies new warriors will arise and defend the heritage of their ancestors—To our own exertions let us add a reliance in the protective arms of Him who shaketh the foundations of the earth, and taketh up the Isles as a very little thing.

The times require energy, industry, and frugality; and as none can better, so none can more usefully exemplify these qualities than the select representatives of a free people.

That your legislative proceedings may be honorable to yourselves and beneficial to your constituents, is my sincerest desire.

Law of the United States.

An act directing the Secretary of the Treasury to remit fines, forfeitures and penalties in certain cases.

Be it enacted by the senate and house of representatives of the United States of America, in congress assembled, That in all cases where goods, wares, and merchandise owned by a citizen or citizens of the United States, have been imported into the United States from the united kingdom of Great Britain and Ireland, which goods, wares, and merchandise were shipped on board vessels which departed therefrom between the twenty-third day of June last, and the fifteenth day of September last; and the person or persons interested in such goods, wares, or merchandize, or concerned in the importation thereof, have thereby incurred any fine, penalty, or forfeiture under an act entitled "*An act to interdict the commercial intercourse between the United States and Great Britain, and France, and their dependencies, and for other purposes:*" and an act entitled "*An act concerning the commercial intercourse between the United States and Great Britain, and France, and their dependencies, and for other purposes:*" and *the act supplementary to the act last mentioned,* on such person or persons petitioning for relief to any judge or court proper to hear the same, in pursuance of the provisions of the act entitled "*An act to provide for mitigating or remitting the fines, forfeitures, and penalties, in certain cases therein mentioned:*" and on the facts being shewn, on enquiry had by said judge or court stated and transmitted as by said act is required, to the secretary of the treasury; in all such cases wherein it shall be proved to his satisfaction that said goods, wares, or merchandise, at the time of their shipments were bona fide owned by a citizen or citizens of the United States, and shipped and did depart from some port or place in the united kingdom of Great Britain and Ireland, owned as aforesaid, between the twenty-third day of June last, and the fifteenth day of September last, the secretary of the treasury is hereby directed to remit all fines, penalties, and forfeitures, that may have been incurred under the said acts, in consequence of such shipments, importation or importations, on the costs and charges that have arisen or may arise being paid, and *on payment of the duties which would have been payable by law, on such goods, wares and merchandise, if legally imported; and also to direct the prosecution or prosecutions, if any shall have been instituted for the recovery thereof, to cease and be discontinued:* Provided, nevertheless, that no case in which the purchase of such goods wares and merchandise, was made after war was known to exist, between the U. States and Great Britain at the port or place where such purchase was made, shall be entitled to the benefits of this act.

Medal and premiums.

The following message from the president was transmitted to the house of representatives on the 23d ult. in consequence of Mr. Quincy's motion of the 16th, noticed in page 255.

To the house of representatives of the United States.

I transmit to the house of representatives a report of the secretary of the navy, complying with their resolution of the 16th inst. JAMES MADISON.

December 23, 1812.

NAVY DEPARTMENT, 21st Dec. 1812.

SIR—On the subject of the resolution of the honorable the house of representatives, of the 16th inst. I have the honor to state,

That in pursuance of the resolution of congress of the third March, 1805, a gold medal, emblematical of the attacks on the town, batteries and naval force of Tripoli, by the squadron under commodore Preble's command, was presented to commodore Preble—in the manner stated in the enclosed letter dated May 17, 1806:

That one month's pay was allowed, "exclusively of the common allowance, to all the petty officers, seamen and marines of the squadron, who so gloriously supported the honor of the American flag, under the orders of their gallant commander in the several attacks."

That no sword has been presented to either of the commissioned officers or midshipmen, who distinguished themselves in the several attacks:

And that it is not known to this department that there ever was made by congress a specific appropriation of $20,000 for the purpose of carrying into effect the resolution referred to:

With respect to that part of the resolution which requests the president to cause a sword to be presented to each of the commissioned officers and midshipmen who distinguished themselves, it is presumed that the president saw what to his mind appeared difficulties of great delicacy, from the peculiar language of the resolution. By the resolution he was requested to present swords to such only as had distinguished themselves; and all having been represented to him as having acted gloriously, he could not in justice draw with precision a line of discrimination. He felt, it is presumed, a repugnance to the making of a selection which, by implication, would necessarily have cast an unmerited reproach upon all not therein included. A degradation of that kind might have greatly injured the service: and could not possibly have been grateful to the honorable feelings of the favored officers.

I have the honor to be, with the greatest respect, your obedient servant, PAUL HAMILTON.

The President.

TO COMMODORE EDWARD PREBLE.

Navy Department, May 17, 1806.

SIR—In pursuance of the resolution of congress, of the 3d March, 1805, requesting the president of the United States to cause a gold medal to be struck, emblematical of the attacks on the town, batteries and naval force of Tripoli, by the squadron under your command, and to present it to you in such manner as in his opinion would be most honorable to you; the medal which will herewith be delivered to you by lieut. Jones, has been struck. You will receive it, sir, as a testimony of your country's estimation of the important and honorable services rendered by you; and you will be pleased to accept an assurance of the great pleasure I have in the honor of presenting it to you.

I have the honor to be, with great respect, sir, your most obedient servant,

(Signed) R. SMITH

From the records of the navy department.
PAUL HAMILTON.

After some conversation as to the proper course for this business to take, it was referred to a select committee of seven members, to consider and report thereon. And the house adjourned.

Mr. Williams' Speech.

[The following, delivered in the house of representatives on the 29th ult. by Mr. *Williams*, chairman of the committee on military affairs, introducing the bill to increase the army, is so excellent in itself, and so important as affording a view of the designs of congress, that we hasten to lay it before our readers. As usual, some speech in opposition shall be inserted—probably Mr. *Quincy's*.]

MR. D. R. WILLIAMS said, the embarrassment which he felt on the present occasion, was not of an ordinary kind—he was so solemnly impressed with the importance of the subject before the committee, he was fearful its success might in some degree depend on his efforts to sustain it—and, feeling that the interest, perhaps the character of his country might be committed by the decision, he was humbled that its cause could not by him be more ably supported. He felt however some confidence from the circumstance that the military committee was entitled to the candor of the house; because it had not presented mere fragments to be acted on in detail, but a system on which to rest the future prosecution of the war. An explanation of its merits, from the relation in which he stood to that committee, was probably expected of him.

Without going back to the unavoidable and just causes of the war in which we were engaged, he would presume it was the object of all to terminate it successfully, and that there now remained no other mode, than to call into the field a force adequate to the command of every honorable object. The force was abundant throughout the community, to secure, if directed with skill, spirit and enterprize, our defence every where; and, by offence, to make the enemy feel it had become his interest to abstain from plunder and oppression.

To effect the first great object, defence of the exposed parts, it struck him as of primary importance, that the whole jurisdictional limits of the United States, should be divided into military districts; that the command of each should be entrusted to an intelligent officer, who should have under his command certain portions of artillery and infantry of the regular army—that in each district, there should be a sufficient number of cannon mounted on travelling carriages, which could be rapidly directed to such parts as may be threatened—and an engineer to devise the plans and superintend the erection of such works of defence as may be necessary. These would form the rallying points of defence in periods of danger, and will be sure to meet the approbation of the whole country. When it shall have placed before it proofs, that the protecting arm of government is every where extended, it will bestow in return its confidence and attachment. For this object also the care of government cannot be too early directed to the East Florida frontier: there danger already exists. In its present state, it is improvable by the enemy to our essential injury; it is perfectly within his control for every military purpose he may contemplate, and will require an equal force whether occupied by the U. States or not. He would exemplify more in detail his views on the subject of defence, by enumerating the military districts and the least number of troops which ought to be stationed in each. If the representatives from those districts shall object that the number of troops alotted to each was too small, and he felt confident some of them would—he replied, such objection served only to strengthen his argument, and the more satisfactorily proves the present military establishment insufficient, and, that it ought to be increased. He

requested it might be recollected, his observations were intended to apply to all the bills or system he had reported, because they were all in some measure pendent on the success of the present motion. To Boston district, including Portsmouth and the whole state of Massachusetts, 600. To Newport, including the states of Connecticut and R. Island, 600. To New-York, inclusive of that state and N. Jersey, 1,000. To Philadelphia, comprising the states of Pennsylvania and Delaware, 400. To Baltimore, Annapolis, Norfolk, including Maryland and Virginia, 500. To Charleston, including North and South Carolina, 400. To Savannah and the East Florida frontier, 2,000. To N. Orleans, comprising Mobile, W. Florida and Natchitoches, 2,500. To Detroit and all the western frontier, 2,000, making an aggregate of 10,000 regulars. These taken from the establishment already provided for, leaves a force of 25,000. The difference between the numbers enlisted and effective men, is very material, in no service, however actual, is it estimated at less than one-fourth, with new levies at least one-third; deduct only 10,000 from the whole number provided for, we shall, supposing our ranks filled, have in the field only 15,000 that can be directed against Niagara, Kingston, Montreal, Lower Canada and Halifax. Is that number sufficient for the purposes of government? This must depend upon the number and quality of the opposing force. It ought not to be estimated that the regular force in Upper and Lower Canada is less than 12,000; besides these, there are several thousand militia, and at Halifax 3,000 regulars. To drive this force from the field, you should cross the St. Lawrence with a well appointed army 20,000 strong, with a reserve, always desirable, with raw troops indispensable, of 10,000. We ought not to calculate upon peace. Administration have in vain sued for it, through Mr. Russell, even at the expense of the sarcastic sneers of the British minister; let us then prepare in good earnest for war—if the spring shall not bring with it peace, the campaign must open in a style of vigor and force calculated to inspire confidence of success among ourselves and awe in the enemy. The result of such a state of things will be as favorable to us, by depressing the spirits of the adversary, as by making our own troops undaunted—nothing must be left to chance that is within the compass of our means—we must deserve to be fortunate. To be successful, our movements every where must be in concert; at the same moment we should move on Canada, a corps of 10,000 men should, from the province of Maine threaten Halifax; as a diversion it will indisputably be felt; such a force, if disregarded by the enemy, trusting to the supposed difficulty of approach, will be competent to the reduction of Halifax.

The character of our government had been so depressed in Europe, not more by foreign than domestic misrepresentation, as much even within these walls as without them, it had become necessary to make war, to place our backs against the wall and prove to European maurauders, there is a point beyond which we will not recede. This good the war has accomplished; but it has become more than ever necessary to prove, that we will not only declare war, but can prosecute it with energy and courageous enterprize. The honor, the character of the nation require that the British power on our borders shall be demolished in the next campaign—her American provinces once wrested from her, every attempt to recover them will be chimerical, except through negociation. The road to peace then lies through Canada. When we shall once be in possession of it, peace, honorable peace, the sole object of us all, is secured. But some gentlemen affect a sympathy for the Canadians——why, say they, will you make war on them? They have not injured us. Nor, sir, has the British tar injured us, although he is the instrument of plunder and impressment. It is to conquer the sovereignty of the soil, to raze the British power, to reach by such means her profligate and unjust ministry, that war is waged at all—the unarmed will never fall on American bayonets—it is not against the people of either Canada or Great Britain, but against the English subject in arms, that the war is directed. By physical force then alone can we proceed. Mr. W. here recaptulated at some length the amount of the force provided, and that which was necessary for the various objects that should be accomplished, shewing that at least twenty thousand additional regulars ought to be authorised. How, asked he, shall this deficiency be supplied? Shall we rely on the militia? Sound policy, not less than experience, forbids a draft on them for permanent service. However valuable they are for sudden emergencies, and in this way too much reliance cannot be placed on them; economy, both to them and the government, forbid their use for other purposes. Their state of discipline and insubordination, except in the face of danger) circumstances growing out of the freedom of our institutions; the waste of public property, which he could illustrate by strong facts, all unite to dissuade us from this resort. Call them out on short terms of duty, for so much time is lost in marching to and from the places of rendezvous, you are subject to pay nearly double the force necessary to maintain any one point—make the term of service long, and you disproportion the burthen of the war. In short, the great mass who form the militia will find it cheaper to pay regulars than fight themselves.

Shall we any longer deceive ourselves by a further dependence on the absurd volunteer acts? Experience is equally warning on them. Though thousands of your brave countrymen, Mr. Chairman, have rushed to the field of danger, it was certainly not under the volunteer acts—if ever one scheme was better calculated to deceive its authors than another, this surely is it. To say nothing about its unconstitutional character, it is a miserable contrivance, perfectly nugatory, except to accomplish disappointment. Without a head, its operations, to say the least of them, begin at the wrong end. The people are to manage the affair—to associate—to enroll themselves, to recommend officers. Organize a regiment, it will be made up of such discordant insubordinate materials, strangers to, and ignorant of each other, that confidence cannot exist in it; but, above all, the volunteer is to indent himself for three years for the performance of one years service. Repeal these acts as the bill proposes, with a reservation of the rights that have accrued under them, and the services to the government of the men who have enrolled themselves—and, in their stead, authorise a corps of 20,000 men of an efficient regular character. When the colonels shall have been selected for their virtues and influence, give to them the selection of their officers—they can better judge who ought to command, and who can raise men in their own neighborhood, than the president or senate. This mode will change the appointment of officers, from individual members of congress to the colonels, who certainly will be more scrupulous who he associates with him in danger than any other can be; they may be safely intrusted with this power, under the approbation of the president. With such a provision the corps can be raised almost as soon as the officers can be nominated by the president, approved by the senate, and commissioned by the secretary at war. The term of enlistment is, confessedly, not the most eligible to form

soldiers; but, inasmuch, as it is doubtful, whether you can get a force sufficiently strong on a long period, the present is proposed. But for the gallant and brave patriot of the revolution before him (colonel Stuart) he should have omitted to add, this mode was found the most efficacious to raise men, during the revolutionary war; having been tested by experience it may be again relied on.

Having shewn the necessity of augmenting the regular forces, it was equally material to provide for filling the ranks, and for keeping them at their full complement when filled. With this view was the first section introduced. The greatest evil, incident to the recruiting service, results from the number of persons to whom the public money was necessarily distributed; in proportion to the number of persons with whom it is entrusted, will be its misapplication. To remedy this, it is proposed to appoint officers to each regiment, for that particular purpose, in no way different from those already appointed, who shall be employed in recruiting for their respective regiments; these to be under the order of a major, who shall receive and be accountable for the issue of money and clothes for that service. The ranks filled, the presence of all the officers on the present establishment will be indispensable, as in our service the proportion of privates to the officers is greater than in any other service whatever. The new organization which was given to the army at the last session, increased the number of privates in each company without a corresponding increase of officers. If two lieutenants were necessary in a company, for the purpose of discipline and recruiting, when it consisted of only sixty-four privates, assuredly three are as much so now, it is raised to 90.—The recruits as fast as they are enlisted may be concentrated under the eye of the major, where they may be exercised and drilled, so that when he joins the regiment, they will be qualified to enter the ranks and face the enemy.

He expected to hear it objected, that these additional officers were unnecessary, seeing the regiments were not full. He apprehended this objection was more specious than solid. Considering all the circumstances in relation to the army, the period when raised and how officered, he believed, supposing the regiments only half filled, it was indispensably necessary, the officers should be constantly with them. He was much mistaken if the officers were not as raw as the private soldiers—it was as important they should be familiar with the duties, as they whom they are to command. It would be nothing short of butchery to send brave men into the field, under such circumstances, when in our power to avoid them.—All the dollars and cents you will save, by refusing these few additional officers, would not be worth the life of a single man, to say nothing of the possible slaughter of thousands without them. Of necessity, our officers need instruction—they should be devoted to it during the winter—they can be no where so beneficially employed as with their regiments on duty. It is the quality, not the number of the troops, that secures and improves victory.

One other objection he could anticipate: perhaps those who can sneer at the disasters and misfortunes of the late campaign, may object that there is no encouragement to vote additional forces seeing those which have been already raised have been so illy employed. It becomes us all to be equally faithful to our country whether her arms are victorious or not; it is in times of discomfiture that the patriot's resolution and virtues are most needed. It is no matter by what party names we are distinguished, this is our country—we are children of the same family and ought to be brothers in a common cause. The misfortune which befalls one portion should sink deep in the hearts of the others also. What misfortune so great as the loss of character! If we shall forget our impatience under disgrace, and look back, on the events that have passed, with only as much candor as becomes us, this objetion must vanish. Under the circumstances in which it found itself without experience, either in itself or others to guide it, administration ought not to be censured for the bad military appointments it may have made however much it may deserve, if it shall retain men in employ when found incapable to discharge the duties entrusted to them. He was fearless of contradiction in declaring all our disasters sprung from a cause which no man in the nation could have anticipated; it was next to impossible any human being could have foreseen, much less provided against it. It was with pain and reluctance he felt it his duty to speak of an officer fallen and disgraced—he wished he could discover any cause for the surrender of Detroit, less heinous than treachery or cowardice—between them he saw nothing to choose. Justice will hereafter, if party heat denies it now, pronounce the plan of the campaign as instructed to general Hull, easy to be accomplished and judicious in its objects. The commandant was furnished with every means necessary for success—with money, men, provisions, and munitions of war in abundance. What better mode could have been adopted, to prevent Indian hostility and intercept British supplies of the instruments of massacre? That your army had not been protruded beyond the point with which communications could have been maintained, is evident from the events which followed. What was there to mar success? Nothing! The commandant at Malden needed only an apology to surrender! What if the other Hull had commanded? Every thing would have fallen before him; great science was not necessary; courage and faithfulness would have accomplished every thing. A train of heavy artillery was not required to batter a breach for the assault; it was not necessary to fire a single gun—not a cartridge need have been expended—the bayonet alone was adequate to have taken Malden at any hour from the moment the American army crossed into Canada till its most shameful retreat. The fort wss not enclosed! One entire side was open to assault! Yes, sir, had the brave Hull, who bore your "thunder on the mountain wave," directed the valor of that army, he would have poured the storm of victory resistless on the foe. This black deed, without a battle, was consummated in the *solicitous* surrender of the brave corps which were hastening to his relief: these too were arrested and thrown back on the community, leaving the whole western frontier exposed to savage inroad. Hence all our misfortunes: After this will it be contended that the accidental appointment of an improper agent shall cause a refusal of the force necessary to drag our drowned honor up from the ocean of infamy into which it has been plunged? Impossible! Economy of life and treasure call for a vigorous campaign—away with lifeless expedients; miserable inertness must be banished—zeal and energy must be infused every where. One protracted campaign will cost twenty fold more than the expenditures now asked for. Let this be the signal for resolution—the first evidence of energetic policy. Let us suppose ourselves leading the forlorn hope, and assume the spirit and vigor characteristic of such an enterprise—the army will feel it—the people will feel it—disaster and disgrace will then disappear. It is to save the public treasure—the people's blood; it is for the reclamation of character, I ask for high bounties and premiums; and so asking I hope not to be denied.

The question was then taken on filling the several

blanks in the first bill as moved by Mr. Williams, and carried.

Mr. *Clay*, (Speaker) congratulated the committee and the nation on the system which had been presented to their consideration, and the prospect of prosecuting the next campaign with a vigor which should promise a successful result. He rose at this time, however, to propose an amendment to the bill, the object of which was to repeal so much of former laws as authorises a bounty of land to recruits. He was satisfied, that as far as respected the nation, this was a waste of its capital, without producing a single provident result. As to the recruiting service, he was convinced, from what he had heard, that it added scarcely any inducement to the recruit—that it had not added an hundred men to the army. He confessed he had been much mistaken as to the effect it had been expected to produce, &c. Mr. *Clay* added many remarks going to support his positions, stating, among other things, that the land would in the end get into the hands of speculators, and the individuals for whose benefit it was intended would derive no advantage from it. Now, that it was proposed to increase the bounty in money, he thought it would be a proper occasion to repeal so much of the existing laws as allowed a bounty in land, of which the recruits set generally as much value as if it were located in the moon. Mr *Clay* concluded by making a motion to that effect.

Mr. *Troup* and Mr. *Bibb* stated objections to the motion, as going to withdraw what was certainly, in many parts of the country, an inducement to enlistments, at a time when every means ought to be called into action for the purpose of filling the ranks of the army.

Mr. *Clay's* motion was then agreed to by the committee. [But this decision was the next day reversed by the house, and the amendment rejected.]

The other bill before the committee, going to authorise the raising an additional force of 20,000 men for one year, was then taken up, and the blanks therein severally filled.

Law Case—Clark, the Spy.

FROM THE BUFFALO GAZETTE.

We have been obligingly favored by major Hosmer, with the following transcript of the sentence and subsequent proceedings in the case of Elijah Clark, who was convicted as a spy, at a general court martial, holden at the court-house, in the village of Buffalo, on Wednesday the 5th day of August, 1812, and continued by adjournment, from day to day, until Saturday the 8th day of August, in the same year—whereof,

Lieut. col. *Philetus Swift*, was President.

Majors, *George Smith*, *Parmenio Adams*,
Capts. *Joseph M'Clure*, *Samuel Jennings*, *Samuel Terry*, *Daniel Curtiss*, *Elias Hull*,
Lieuts. *Joel B. Clark*, *Levi Moores*, and *James M'Nair*.
} Were present as Assistants.

Major *George Hosmer* was Judge Advocate.

SENTENCE.

The court having heard all the evidence and the prisoner's defence, and very maturely and thoroughly considered the same, gave the following opinion:

The charge specified is as follows—

"That the said Elijah Clark, is a spy within the meaning and according to the rates and articles of war, and the laws of the United States."

1st. It appeared that Elijah Clark, the prisoner, was born in the state of New-Jersey, and that he continued to reside in the United States as a citizen thereof until within about eight months last past, when he removed to Canada, and there, married, that his wife and property are yet in Canada and within the dominion and allegiance of the king of the United Kingdom of Great Britain and Ireland. For these reasons the court are of opinion, that (although the said Elijah Clark is a native born citizen of the United States, and is yet holden under the allegiance, which as such citizen he owes to the United States) he is nevertheless liable to be tried and convicted as a spy in the United States, for his acts of a spy committed during the continuance of such temporary allegiance to the king of the United Kingdom of Great Britain and Ireland, with whom the United States are at war.

2d. The court are of opinion, under the testimony of the United States, that he did linger about the encampments and army of the United States, for the purpose of spying out our state and condition; and of reporting the same to our enemies; and for these reasons the court are of opinion, that the said Elijah Clark is guilty of the crime whereof he stands charged; and falls under the 101 article of the act, entitled, "an act for establishing rules and articles for the government of the armies of the United States," passed the 10th day of April, 1806.

And they do adjudge and sentence the said Elijah Clark to be continued in the present state of confinement until the first Friday in September next, and that he be at the hour of two o'clock in the afternoon of that day, taken from his said place of confinement, and hung by the neck until he be dead.

PHILETUS SWIFT,
President.

GEO. HOSMER, *Judge Advocate.*

Head-quarters, Manchester,
Niagara Frontier, Aug. 13.

GENERAL ORDERS.—Maj. gen. Hall, having doubts how far the prisoner *(Elijah Clark)* within named, comes within the description of a spy, by reason that he is within the letter of the 2nd section of the 101 article of the act, entitled, "an act for establishing rules and articles for the government of the armies of the United States," which excepts throughout "all persons not citizens of, or owing allegiance to the United States of America, is pleased to order, and doth hereby order a suspension of the execution of the within sentence until the pleasure of the President of the United States can be known thereon.

By order of the Major-General,
GEO. HOSMER, A. D. C.

OPINION OF THE PRESIDENT.

War department, Oct. 20, 1812.

SIR—The proceedings and sentence of the general court martial, which was had in the case of Elijah Clark, conformable to your orders of the 1st of August last, and which were by you transmitted to this department, have been received and laid before the President, I have now the honor to inform you, that the said Clark being considered a citizen of the United States and not liable to be tried by a court martial as a spy, the President is pleased to direct, that unless he should be arraigned by the civil court of treason or a minor crime under the laws of the state of New-York, he must be discharged.

Very respectfully, I have the honor to be, sir, your obedient servant, W. EUSTIS.

Maj. gen. A. Hall, Niagara.

General order, consequent on the opinion of the president.—The pleasure of his excellency the president of the United States of America, in relation to the case of *Elijah Clark*, who was convicted of being a spy, under and by virtue of general orders of August 1st ult. having this day made known to the major-general, through the honorable secretary at war.—Therefore, in conformity to the directions of his excellency the president, it is hereby ordered, "that "the said Clark being considered a citizen of the "United States, and not liable to be tried by a "court martial as a spy, therefore, unless he should "be arraigned by the civil courts for *treason* or some "*minor crime* under the laws of New-York, he must "be discharged."

All officers and military authorities whatever, in whose custody the said Clark shall or may happen to be, for the cause aforesaid, are hereby directed to release him from his arrest as a spy.

Lieut. col. Philetus Swift is particularly charged with the execution of this order.

By order of major-general Hall,

GEO. HOSMER, A. D. C.

Bloomfield, Dec. 2, 1812.

Military Supplies.

Some week's since we briefly noticed certain statements that had appeared in the *Aurora*, relative to the supplies issued for the army of the United States. On reflection, we insert these statements at length; because a list of particulars always strikes the mind with greater force than the mere mention of a conclusion drawn from the facts they exhibit. See page 219.

To organize a system, embracing within its range *Detroit* and *New-Orleans*, the *lakes* and the *Atlantic*, *St. Mary's river* and the *bay of Fundy*—by which, with promptitude and safety, the needful supplies should reach all the places required, was not the work of a day. The most ardent zeal and unremitting industry of the principal officers could do little until the subordinate and co-operating powers were arranged; which now seems happily effected. Experience will supply the defects to which our theory may yet be liable—and, all the parts operating together, may give us a perfect whole, fitted to the state of our country, and manifesting its resources, to the discomfiture of all our enemies.

No. 1.—*A statement shewing the materials for clothing the army, purchased by the officer whose duty it was from the 1st of May, 1812, to the 20th October following.*

Shoes	72,198 pair.
Kerseys	31,360 yards.
Infantry caps with bands	17,293
Thread	6,295 lbs.
Buttons	11,359 gross.
Rattinet	221 yards.
Rose blankets	22,276
Point do.	17,980
Additional	3,000
Wrapping do.	93
Duffil do.	22,973
Cotton Drilling for summer overalls	32,870 yards.
Boots	1,518 pair.
Short stockings	16,644 pair.
Trimmings for rifle uniforms	59,350 yards.
White silk epaulets	1,500
Do. cotton do.	994
Yellow worsted do.	800
Kendall cotton	392 yards.
6-4 cloth	59,950 do.
Plains	57,997 do.
Cloth for great coats	14,949 do.
Platillas	832 pieces.
Linen for shirts	3,333 do.
Do. do.	285 do.
Do. do.	120 do.
Cassimere	165 yards.
Cockades and eagles	31,497
Russia sheeting	2,342 pieces.
Flannel	13,111 yards.
Coarse woolen for backs of vests	15,345 yards.
Feathers for the army uniforms	17,895
Scarlet cloth	307 yards.
Osnaburgs and Ticklenburgs	33,731 ells
White cloth	245 yards.
Rolls	10,093 ells.
White plains	13,782 yards.
Cut hats with bands, &c.	3,234
Broad cloth	10,000 yards.
Russia sheeting	1,200 pieces.

Ravens duck, several thousand pieces and arrangements are now making to supply the whole demand from Kentucky, so as to prevent, after the supply on hand is expended, any resort to Europe in future for this article.

Several other articles of hemp and flax will also be procured from that state.

No. 2.—*A statement of the issue of clothing, &c. &c. to the additional army from 1st Jan. 1812, to the 30th Sept. following.*

CLOTHING.

Hats and caps	23,162
Coats of all kinds	20,000
Vests do	20,000
Woolen overalls	20,000
Linen do.	52,281
Do. Jackets with sleeves	14,679
Shirts	100,000
Shoes	100,000 pairs.
Stockings	32,251 do.
Socks	52,400 do.
Gaiters	20,618 do.
Fatigue frocks	29,331
Do. trowsers	28,550
Blankets	37,205
Watch coats	500
Boots	820 pairs.

The principal part of the *woolen* clothing has been made since the 10th July, 1812.

No. 3.—*Arms and Accoutrements.*

Muskets complete	102,613
Rifles	4,576
Pistols	2,970 pairs.
Carabines	260
Swords, complete	2,665
Cartouch boxes and belts	42,127
Bayonet belts and scabbards	42,127
Brushes and wires	27,716
Musket and rifle flints	360,218
Pistol flints	8,290

No. 4.—*Camp equipage, accoutrements, entrenching tools and utensils.*

Common tents	10,439
Horsemen's do.	1,623
Shed do.	250
Hospital do.	62
Flies for tents	655
Axes	6,289
Slings	5,259
Pick axes	3,269
Canteens, complete	24,264
Drums complete	329
Fifes	322
Iron and tin camp kettles	12,593
Knapsacks	31,137
Mess pans	7,412
Saddles and equipments for horsemen	1,361
Spades and shovels	3,648
Cotton blankets for the sick	1,510
Havresacks	12,613
Hatchets	1,670
Bed sacks	1,215
Sheets	1,251
Cartouch boxes and belts for horsemen	996
Packages of medicine and surgical instruments	138

No. 5—*Ammunition and military stores.*

Musket cartridges	68,636
Musket ball and buck shot	23,492 lbs.
Sulphur	8,749 do.
Crude nitre	17,017 do.
Refined do.	154,651 do.
Powder	271,695 do.
Lead	254,897 do.
Gunpowder	271,695 do.
Lead for ball	254,897 do.
Musket ball and buck shot.	23,492 do.

No. 6.—*Statement of clothing now making.*

Infantry coats	8,574
Infantry vests	10,524
Infantry woolen overalls	13,504
Dragoon vests	1,596
Shirts privates	25,000
Do. serjeant's	1,000
Artillery private's coats	390
Socks	30,000 pairs.
Cavalry cloaks	1,000
Fatigue frocks	10,000
Do. trowsers	9,000
Round about woolen jackets	7,000
Woolen overalls	7,000

All these ordered to be made since the 11th September, are in hand, some completed and the whole expected to be finished in three weeks [from the last of October, 1812.]

Statement No 7.—*Contracts made by Tench Cox, Esq. late purveyor public supplies, and not yet completed.*

Muskets and bayonets	54,058 stand.
Sabres	60,000
Kersey cloth	12,800 yards.
Blue cloth 6-4	500 do.
Green cloth 6-4	500 do.
Blankets	19,500
Pairs of stockings	500

No. 8—*Contracts made by Benjamin Mifflin, Esq. late deputy commissary-general, not yet completed.*

White Kersey	17,000 yards.
Boots	225 pair.

No 9.—*The following contracts have been made by Callender Irvine, Esq, commissary-general, since the 8th of September last.*

Blue cloth 3-4	40,000 yards.
Cotton drilling (deliverable in six months from Sept. 8, 1812.)	172,000 yards.
Cartouch boxes and belts, and bayonet scabbards and belts, (5 months.)	20,000 sets.
Shoes (5 months)	100,000 pair.
Canteens complete (5 months)	20,000
Knapsacks do. do.	20,000
Infantry caps do. do.	20,000
Artillery caps do. do.	6,000
Leather velises	2,000
Dragoon caps	2,000
Woolen kersey (98,000 deliverable in six months, balance in twelve months)	118,000 yards.
Buttons of kinds	17,100 groce.
Stockings	37,000 pairs.

Contracts have been made for nearly 1,000,000 lbs. powder, large quantities are delivering monthly.

No. 10.—*The following provisions of medicine, surgical instruments, and hospital stores, for the army, have been made since May last—viz :*

For 1,000 troops at New-Orleans,
1,000 do. at Savannah,
1,000 do. at city of Washington,
2,000 do. at Detroit—N. B. This deposit is at present at Niagara.
3,000 do. additional at New-Orleans,
10,000 do. at Pittsburgh, Pa. N. B. with orders for an additional 5,000.
10,000 do. at Boston,
15,000 do. at New-York,
10,000 do. at Norfolk, Va.
20,000 do. at Philadelphia.

A general hospital has been established, and amply furnished, at Green-Bush, N. Y.

A general hospital has also been established, and amply furnished, at or near the city of New-York.

This provision for the hospital department is calculated to be amply sufficient to meet the demand of the above mentioned number of troops, until late in the spring of 1813. These supplies are exclusive of those of the old army. The surgical instruments were manufactured in the city of Philadelphia, and are equal to those imported.

The nitre produced in our own country, is not only sufficient to supply all the public wants, but treble the amount, and for any length of time; the quality is also superior to imported nitre in purity, containing less of the marine salt than is generally united with foreign nitre, and which is the principal cause of that decomposition of the gunpowper, which is called *caking*.

The quantity of sulphur in the public arsenals is now sufficient for the manufacture of all the gunpowder requisite *for a five years war.*

No. 11.—*Return of military stores issued at Philadelphia, Fort Fayette, Harper's Ferry and Washington City, for the North-Western Army.*

1461 common tents
100 wall tents
20 13 pounders
8 12 do.
16 6 do.
3 5 1-2 inch howitzers
10 gun carriages
32050 muskets, rifles and carbines
775 pair of pistols
800 tomahawks
750 swords
20000 lbs Powder
130 bbls. do.
86105 musket balls
31500 flints
2 bbls. do.
8634 cartridge boxes with belts
6300 brushes and picks
2728 bayonet belts
2728 bayonet scabbards
5000 gun slings
6041 ball screw
5113 screw drivers
1053 green worms
3821 felling axes
20 broad axes
50 pick axes
500 spades
500 shovels
250 mattocks
300 fascine hatchets
200 grass hooks
50 briar scythes
30 whip saws
30 cross cut saws
chests of carpenter's tools
5000 painted knapsacks
4701 tin canteens
1518 tin cannisters
2565 canteen belts
1218 sheet-iron camp kettles
1666 gallon tin pans
850 reams cartridge paper
5 boxes harness
Medicine chests for 10 regiments
20000 pair shoes
10000 blankets
10000 pair woolen hose
10000 pair do. socks
5000 round do. jackets
5000 do. pantaloons
400 watch coats
Equipments for 250 cavalry
The winter clothing for all the cavalry
Do. for the 17th regiment

Besides this immense amount, furnished to and provided for the North and North Western armies, complete equipments and military stores, have been forwarded to the southern department, together with the necessary clothing, &c. for the old army on the Mississippi. To this account may be added, that ammunition, shot, &c. have been sent to complete 100 rounds to a gun in all the harbors south of the Potomac.

American Seamen.

Extract of a letter from William H. Savage, late agent for American seamen and commerce at Jamaica, to the Secretary of State, dated,

WASHINGTON, Dec. 1, 1812.

"I take the liberty to enclose you copies of a correspondence which took place between vice-admiral Stirling (commanding on the Jamaica station) and myself, since the declaration of war. I should have furnished it you at an earlier period, but an accident prevented, which I was not aware of, until my arrival at this city."

(No. 1.)

Copy of my letter to vice-admiral Stirling, commanding on the Jamaica station, on the subject of American seamen after the declaration of war.

KINGSTON, (J.) 6th August, 1812.

SIR—Enclosed is a copy of a letter received by me yesterday from on board his majesty's ship Sappho, purporting to have been written by four American seamen on board that ship, with a view to solicit my aid towards effecting their discharge, in consequence of the declaration of war by the government of the United States against Great Britain.

In making this application, I am fully aware that my duties ceased as agent for the commerce and seamen of the United States, on the knowledge of such declaration being made known here: but, sir, I am led to believe, that, at this period, it will not be deemed inadmissable on your part to receive, nor on mine to make the request, that you will be pleased to grant an order for the discharge of those seamen, feeling conscious, (should they even not be protected with the usual documents afforded to citizens of the United States) that an English seaman would not declare himself otherwise than such under existing circumstances.

I seize the present opportunity also to forward to you twenty-one documents as proof of the citizenship of that number of seamen, said to have been impressed by ships of war on this station, the greatest number of whom have been heretofore unsuccessfully claimed by me, on behalf of the United States, and who may still comprise at this time, some part of the crews of his majesty's ships on this station.

I beg further to state to you that I have received numerous applications from on board various of his majesty's ships on this station for the relief of seamen, who, I doubt not, are entitled to the protection of the American government, many of them having with them the proofs of their citizenship, as I am led to believe from the assertions contained in their communications. Applications have also been made for the relief of many without success; the latter amount in number to forty-six, as per list of names enclosed, several of whom, I understand, have been shifted (since their impressment) on board of other vessels than those they were first taken on board of. All of which I beg to offer to your consideration, feeling, as I do, anxious to extend my last efforts in behalf of those seamen who are entitled to them, and, at the same time, being impressed with the idea, that it would be foreign to you, sir, to retain any Americans in the service of the navy of Great Britain contrary to their disposition during the present conflict. I therefore take the liberty of adding to my former request, that you will be pleased to grant

orders that such seamen may be discharged from duty on board his majesty's ships on this station.

With sentiments of the highest respect, &c.

(Signed) WILLIAM H. SAVAGE.

(No. 2.)

Copy of vice-admiral Stirling's secretary's letter in answer to mine to the vice-admiral of the 6th of August, 1812.

ADMIRAL'S PENN, Aug. 7, 1812.

SIR—I am desired by vice-admiral Stirling to acknowledge the receipt of your letter of yesterday's date, and to acquaint you that directions were given some days ago, that all seamen in the squadron under his command, who can prove themselves to be American born subjects, *should be sent to the prison ship* until an exchange of prisoners is established between the two countries, in consequence of the late declaration of war by the United States against G. Britain.

I return herewith the papers which accompanied your letter.

I am, sir, &c. &c.

(Signed) CHAS. STIRLING, JUN. *Sec'ry.*

(No. 3.)

Extract of a letter from William H. Savage, esq. late agent for American seamen and commerce at Jamaica, to Charles Stirling, jun. esq. dated

KINGSTON, Sept. 16, 1812.

"In answer to my letter of the 6th ultimo, you were pleased to inform me that directions had been given by the vice-admiral some days prior to the date of my letter for the removal of all native Americans (who could prove themselves such) from on board his majesty's ships to that of the prison-ship; but as some time has now elapsed since you were pleased to give me this information, and learning that some instances of detention at present exist on board his majesty's schooner Decouverte, I am led to embrace the subject again, as in one instance I shall hope to satisfy vice-admiral Stirling of the man's being entitled to his removal from duty on board his majesty's schooner of war. The person I allude to is Elijah Stirling, an American seamen, who was impressed from on board the British merchant ship Brilliant, at the bay of Honduras, in the early part of the year 1810, by his majesty's schooner Flor del Mar, and has since been detained on board of various of his majesty's ships on this station, although provided with a regular protection, which instrument this man got conveyed to me about the 20th of September following, and which was by me forwarded to admiral Rowley, accompanied (as usual in like cases) with a request that the man might be discharged.—On the receipt of my letter, the admiral answered, through his secretary, that the nature of Stirling's impressment was such, that he could not comply with my request; but which answer was unaccompanied in return, with the protection in question, and what has become of it I am unable to say.

"About this period I was led to understand from admiral Rowley, that all American seamen who should be impressed from on board any British merchant vessel would be retained in the service of his majesty, but that all American seamen who should be impressed from on board of American vessels, would, on application, accompanied by proof, be discharged. As this information was received about the period of my application for Stirling, I was led to conclude it stampt the nature of his impressment, and what confirmed it in my mind was, that I received similar assurances to various applications made for American seamen, who had under various circumstances shipped on board of British ships, and were from thence impressed on board of his majesty's ships of war, all of which I hope the admiral will be pleased to take into consideration; for, to insist on the service of this man, I think will be a dereliction to the marked manner of his amiable endeavors to distinguish and relieve American seamen from duty on board the squadron under his command. I beg to enclose a note from Mr. Meek (the late secretary) relative to my application for this man's discharge, and to observe, that it is possible, the protection may yet be found among the papers of the late secretary, as it has not been usual to return me the protections of those men whose applications for discharge were not complied with.

"I beg furthermore to observe that there appears also to be on board his majesty's schr. Decouverte, two other American seamen, viz. John Englefield and Richard Lauderkin, the former of whom asserts that he served his apprenticeship to the trade of a cooper, at Boston, but has lost his protection; the latter declares himself to be a native of Rhode Island, and that his protection has been destroyed by Mr. Oliver, commander of his majesty's schooner Decouverte. I shall not now animadvert on the impropriety of such a circumstance but request, should the instances here cited be found correct, that they may meet the attention of the vice-admiral."

(No. 4.)

Extract of a letter from vice-admiral Stirling's secretary, to W. H. Savage, esq. in answer to his of the 16th September, 1812.

ADMIRAL'S PENN, 19th Sept. 1812.

"I have just received your letter of the 16th inst. which I have laid before vice-admiral Stirling, and I am directed to acquaint you, that Elijah Stirling, and other persons on board of his majesty's schr. Decouverte, said to be American seamen, have not, when called upon, produced proof of being subjects of the United States. They do not fall under the description of persons which I informed you in my letter of the 7th ult. were intended to be discharged from the king's service, and to be detained on board the prison ship until an exchange of prisoners takes place with America.

"The note from Mr. Meek, dated the 21st Sept. 1810, is returned herewith, and as it appears thereby that admiral Rowley thought the circumstances under which Elijah Stirling was impressed, did not permit him to be discharged, vice-admiral Stirling does not feel himself justified, in attending to the man's wishes on a bare assertion. The protection you allude to is not to be found among admiral Rowley's papers left in this office."

British Public Papers.

By His Royal Highness the Prince of Wales, Regent of the United Kingdom of Great Britain and Ireland, in the name and on behalf of His Majesty:

A PROCLAMATION

For granting the distribution of prizes during the present hostilities.

GEORGE, P. R.

Whereas, by our order in council, dated the 13th of day of October, instant, we have ordered that general reprisals be granted against the ships, goods and citizens of the United States of America, (save and except any vessels to which his majesty's license has been granted, or which have been directed to be released from the embargo, and have not terminated the original voyage in which they were detained and released) so that as well the fleets and ships of his majesty, as also all other ships and vessels that shall be commissioned by letters of marque or general reprisals, or otherwise by the commissioners for exe-

cuting the office of lord high admiral of Great Britain, shall, and may lawfully seize all ships, vessels and goods belonging to the government of the United States of America, or inhabiting within any of the territories thereof, and bring the same to judgment in any of the courts of admiralty within his majesty's dominion, duly authorised and required to take cognizance thereof; we being desirous to give due encouragement to his majesty's faithful subjects, who shall lawfully seize the same, and having declared in council, by our order of the 13th of October, instant, our intentions concerning the distribution of all manner of captures, seizures, prizes, and reprisals of all ships and goods during the present hostilities, do now make known to all his majesty's loving subjects, and all others whom it may concern, by this our proclamation, by and with the advice of his majesty's privy council, that our will and pleasure is, in the name and on behalf of his majesty, that the nett produce of all the prizes taken (save as herein before excepted) the right whereof is inherent in his majesty and his crown, be given to the takers; (save also the produce of such prizes as are, or shall be taken by ships or vessels belonging to, or hired by, or in the service of the commissioners of customs or excise, the disposition of which we reserve to our farther pleasure, and also save and except as hereinafter mentioned;) but subject to the payment of all such or like customs and duties as the same are now, or would have been liable to, if the same were, or might have been imported as merchandize; and that the same be given in proportion and manner hereinafter set forth, viz:

That all prizes taken by ships and vessels having commissions, or letters of marque and reprisals (save and except such prizes as are, or shall be taken by the ships or vessels belonging to, or hired by, or in the service of the commissioners aforesaid) may be sold and disposed of by the merchants, owners, fitters and others, to whom such letters of marque and reprisals are granted, for their own use and benefit, after final adjudication, and not before.

And we do hereby farther order and direct, that the nett produce of all prizes which are or shall be taken by any of his majesty's ships or vessels of war (save and except when they shall be acting on any conjunct expedition with his majesty's land forces, in which case we reserve to ourselves the division and distribution of all prizes, and booty taken, and also save and except as hereinafter mentioned) shall be for the entire benefit and encouragement of the flag-officers, captains, commanders and commissioned officers in his majesty's pay, and of the seamen, marines and soldiers, on board his majesty's said ships and vessels at the time of the capture, and that such prizes may be lawfully sold and disposed of by them and their agents, after the same shall have been finally adjudged lawful prize to his majesty and not otherwise.

[Here follow the regulations for the distribution of prize money, which, and the remainder of the proclamation, are in the form usually adopted on the commencement of war.]

Treaty of Peace

Between his majesty the king of Sweden and his majesty the king of the united kingdoms of Great Britain and Ireland.

"In the name of the most Holy and Indivisible Trinity.

"His majesty the king of Sweden, and his majesty the king of the united kingdom of Great Britain and Ireland, being equally animated with the desire of re-establishing the ancient relations of friendship and good intercourse between the two crowns and their respective states, have appointed to that effect, namely, his majesty the king of Sweden, the sieur Laurent baron D'Engerstrom, &c. and the sieur Gustavus baron de Wetterstedt, &c. and the prince regent in the name and on behalf of his majesty the king of the united kingdom of Great Britain and Ireland, Edward Thornton, esquire, which plenipotentiaries, after exchanging their full powers, drawn up in full and due form, have agreed upon the following articles.

Art. 1. There shall be between their majesties the king of Sweden, and the king of the united kingdom of Great Britain and Ireland, their heirs and successors, and between their subjects, kingdoms and states respectively, a firm, true and inviolable peace, and a sincere and perfect union and friendship; so that from this moment, every subject of misunderstanding that may have subsisted between them shall be regarded as entirely ceased and destroyed.

Art. 2. The relations of friendship and commerce between the two countries shall be re-established on the footing whereon they stood on the first day of January, 1791; and all treaties and conventions subsisting between the two countries shall be regarded as renewed and confirmed.

Art. 3. If in resentment of the present pacification, and the re-establishment of the good-intercourse between the two countries, any power whatsoever shall make war upon Sweden, his majesty the king of the united kingdom of Great Britain and Ireland engages to take measures in concert with his majesty the king of Sweden for the security and independence of his states.

Art. 4. The present treaty shall be ratified by the two contracting parties, and the ratification exchanged within six weeks, or sooner if possible.

"In faith whereof, the undersigned, in virtue of our full powers have signed the present treaty, and thereto affixed our seals.

"Done at Orebro, on the 18th of July, 1812.

(Signed) *Baron D'Engerstrom,*
Baron de Wetterstedt,
Edward Thornton."

[Here follows the ratification, signed by the prince regent on the 4th of August, and by his Swedish majesty on the 17th of August.]

Distribution of Prize Money.

Prize money, &c. captured by national vessels belongs, one half to the United States, and the other half to the captors. This half is divided into twenty parts and distributed as follows:—

	Twentieths.
To the captains,	3
To the sea lieutenants, and sailing-masters,	2
To the Marine officers, surgeons, pursers, boatswains, gunners, carpenters, masters' mates and chaplains,	2
To midshipmen, surgeon's mates, captain's clerk, school-master, boatswain's mates, gunner's mates, carpenter's mates, ship's stewards, sailmakers, masters at arms, armorers and coxswains,	3
To gunner's yeomen, boatswain's yeomen, quarter-masters, quarter-gunners, coopers, sailmaker's mates, serjeants and corporals of marines, drummers and fifers, and extra petty officers,	3
To seamen, ordinary seamen, marines and boys	7
	20

Boston pap.]

General Recapitulation of Treasury Estimates for 1813.

CIVIL DEPARTMENT.			
Legislature	309,055		
Executive	30,000		
Department of State	27,532		
Treasury department	88,227 73		
War department	34,750		
Navy department	23,220		
General post-office	18,855		
Loan officers and their clerks	28,250		
Surveyor general's department	3,200		
Surveyor of lands south of Tennessee	3,200		
Officers of the mint	10,100		
Governments in the territories of the United States	37,150		
Demands unprovided for	2,000		
Judiciary	109,003 84		
		721,543 57	
MISCELLANEOUS.			
Annuities and grants	860		
Military pensions	98,000		
Mint establishment	16,804 62		
Light house establishment	106,396 49		
Surveying department	61,260		
Second census	277 12		
Prisoners of war	150,000		
Votes for President and Vice-President	1,911 50		
Bounties to the owners of private armed vessels	10,000		
Pensions to widows of officers, &c. killed at the battle of Tippecanoe	5,517 26		
Miscellaneous claims	4,000		
		455,026 99	
INTERCOURSE WITH FOREIGN NATIONS.			
Diplomatic department	85,400		
Barbary powers	50,000		
Seamen	15,000		
Captures	4,000		
		154,400	
			1,333,970 56
MILITARY ESTABLISHMENT.			
Pay of the army of the United States	4,634,064		
Subsistence	2,990,955		
Forage for officers	90,960		
Bounties and premiums	140,000		
Medical and hospital departments	200,000		
Quarter master's department	2,000,000		
Ordnance department	1,500,000		
Fortifications, arsenals, magazines and armories	849,280		
Contingencies	500,000		
For purchasing maps, plans, books, &c.	2,500		
Clothing	1,297,616		
		14,205,375	
Indian department		164,500	
			14,369,875
NAVAL ESTABLISHMENT.			
Pay and subsistence of the navy	2,173,343		
Provisions	1,016,977 29		
Hospital account	100,000		
Repairs of vessels	600,000		
Contingent expenses	250,000		
		4,140,320 29	
MARINE CORPS.			
Pay and subsistence	245,391 70		
Clothing	71,788 10		
Military stores	27,608 75		
Hospital account	20,000		
Contingent expenses	46,000		
		410,788 55	
Navy yards, docks and wharves		75,000	
Ordnance and military stores		100,000	
			4,726,108 84
Total amount		Dolls.	20,429,954 40

RECAPITULATION OF SUBMISSIONS.		
Department of state	3848	
Comptroller of the treasury's office	1,889	
Treasurer of the United States' office	2,000	
Register's office	90	
Books, maps and charts	400	
General land office	485 24	
Secretary of war's office	4,911	
Accountant of do. do.	6,275	
Paymaster of the army's office	410	
Post master general's office	3,633	
Surveyor of lands south of Tennessee	1,500	
Several departments of treasury, state, &c.	13,269 33	
		38,710 57
Road from Cumberland to the Ohio		140,000
Marine hospital establishment		20,000
Total amount of *submissions**		198,710 57

Treasury Department, Register's Office, December 14, 1812.

JOSEPH NOURSE, Register.

*By *submissions* we understand something *extra*, or beyond the usual, or appropriated allowances.—*Ed.*

Events of the War.

MILITARY.

The district of *Maine* has completely organized, and holds ready for instant service, four whole regiments of United States volunteers. It is intimated that their numbers will be greatly increased.

Brigadier-general Smyth has given up the command of the "army of the centre" to col. Porter, of the artillery, and has arrived at his seat in Virginia. The Pennsylvania militia have been discharged at Buffalo.

The following resolution was offered in the house of representatives of Pennsylvania, on the 17th ult. by Mr. *Ellmaker*:—

Resolved, That a committee be appointed to bring in a bill providing for the enlistment within, and by the authority of this commonwealth, of two regiments of infantry, each consisting of 1000 men, to serve during the war, in substitution of a portion of the quota of militia which may be demanded by the general government: *Provided*, The president be authorised by congress to accept and put them under the pay of the United States.

Two hundred and forty mounted volunteers from East Tennessee arrived at Washington, Geo. under the command of col. *John Williams*, about the 20th ult.; as hardy, robust and brave a body of men, perhaps, as ever trod the "tented field." They were raised in a few weeks, in consequence of a spirited proposition from col. *Williams*, and major-general *John Cocke*, who is himself a soldier in the ranks.—Their first destination is St. Johns, to co-operate with the United States troops and Georgia militia, in East Florida, to cut up the Indians. They offered their services to the president, but marched without an acceptance of them, requesting it might be sent after them. They are uniformed and completely equipped, and will march to any post or place where they may be thought useful.

A Raleigh (N.C.) paper says that about 500 United States' troops stationed at Salisbury, have been ordered to proceed *towards* the *Floridas*.

About 100 regulars embarked at Savannah on the 23d ult. for Point Petre—the same day a considerable detachment arrived there from Augusta.

Gen. Jackson, (says a Milledgeville, Geo. paper) we understand, has been ordered to Mobile with 1500 militia from West Tennessee. A part of the United States' troops at Fort Hawkins are likewise in motion, destined we believe for the same place. From these movements and other concomitant circumstances, it would seem that an attack is meditated by our government upon East and West Florida at the same time; the two armies will probably form a junction at or near Pensacola.

We learn from an unquestionable source, that propositions have been made to colonel Hawkins, and through him to the secretary at war, by the Indian chiefs of East Florida, requesting that he will intercede with the United States in procuring peace for them; which he has promised to do, if they will immediately lay down their arms, make full and ample reparation for all the injuries we complain of, and give satisfactory pledges to our government of their friendly disposition in future. To these terms they will doubtless accede, as they are much alarmed, and will do any thing to avert the storm which impends over them.

Patriotism of the South West.—A requisition from the state of Tennessee (says a Nashville paper) for her quota of troops had been made from the war department for the protection and defence of the Southern frontier. The distance of the point to which they could be led, even under the destructive doctrines preached ——— of not going out of the limits of the United States' territory, was not less than 1500 miles by water, and eight or nine hundred by land, through a wilderness, great part of which was only inhabited by wild beasts and savages. The day appointed for rendezvous was at Nashville, on the 10th Dec. The state of Tennessee is divided into east and west, the latter of which thirty-one years ago received the first impression of a white man's foot, is now represented by one representative in congress, and was called upon to furnish 1500 men for its part of the quota. On the day appointed although severely cold, and during a heavy fall of snow, the troops began to arrive, and before five o'clock in the evening 1800 men had filed through Nashville and pitched their tents in its vicinity. Five companies more who had not arrived, sent dispatches to the commanding officer, apologising for their absence, as they were upon the march and would be there as soon as possible.

The troops already arrived with these five companies, are volunteers, and furnish five hundred men more than those called for. So sudden was the impulse that public feeling had marched far beyond the requisite comforts of such an army, insomuch that there was not more than one blanket for three men, although the country was bound in the icy chains of snowy winter. On the 28th and 29th of November 8000 yards of cotton bagging were delivered in Nashville for their use, of home manufacture, from the Cairo factory, which by the 10th of December had been made up into 250 tents and were pitched for the soldiers' use.

Such is the fruit of patriotism in the infant section of that infant state while the efforts of faction on the Atlantic board are directed to the destruction of their liberties, those hardy sons of the west are bereaving themselves of the comforts of domestic life to sustain a pearl of the highest value given by God to man, and recovered from tyranny by the toil and suffering of a glorious ancestry.

From the Freeman's Chronicle Extra.

FRANKLINTON, (Ohio) Dec. 23, 1812.

Battle with the Indians.—Captain Hite has just arrived, express from colonel Campbell's detachment, which, it will be recollected, left this place on the 18th ult. on a secret expedition. From him we learn the following account of a most obstinate and hard fought battle, in which the valor, intrepity and firmness of the American troops shone with a lustre which has never been surpassed during the present war.

On the 17th, after marching all night, colonel Campbell, with his command, arrived at one of the Massasinewa towns, and instantly charged upon the town, drove the savages across the Massasinewa river, killed seven of them and took 37 prisoners—only two of our men were killed in this skirmish.—While contending with the enemy at this town, they sent a runner to another of the towns, about three miles distant, which was immediately evacuated.—On the 18th, before day-break, the horrid savage yell was heard, the word was given *to arms*, and a most desperate conflict commenced. Capt. Pierce, of the Zanesville troop, behaved gallantly, and died nobly. Lieut. Waltz, of captain Markle's company (from Greensburgh, Pa.) was shot through the arm, and not being satisfied with that, he again endeavored to mount his horse, and in making the effort was shot through his head. His death was glorious.—Captain Trotter, while charging with fury upon the enemy, was wounded in the hand. Lieuts. Basey and Hickman, were slightly wounded. A great

number of horses were killed. The action continued with unabated fury for one hour, when the savages were routed and driven in all directions.

Captain Hite states that between 30 and 40 Indians were known to be killed—how many were wounded could not be assertained—37 were taken prisoners. We had two officers and six privates killed, and three officers and about twenty-three privates wounded, eight supposed dangerous. The town where the battle was fought was burnt, and three other towns were burnt without resistance. The Indians were of the Delaware and Miami tribes, and entirely destitute of any kind of valuable property. It was stated that Tecumseh, with 4 or 500 warriors, was about 15 miles from the scene of action, and our troops anticipated another attack on their return.

The attack commenced on the right line commanded by major Ball, who repelled it with that firm and manly courage which is his distinguishing characteristic. To attempt to bestow praise upon one officer, or one private, more than another, would be unjust and ungenerous. All fought with equal bravery—all deserve the highest encomiums. Col. Campbell's force was about 600—that of the enemy about 300. One hundred volunteers are to march from Greenville to reinforce col. Campbell.

NAVAL.

A valuable vessel, called the Georgia, carrying 18 heavy guns, has been put into the service of the United States, and committed to the charge of lieut. Grandison, a valuable officer. Two or three other fine vessels have been lately put into commission for the southern stations.

The U. S. frigate *Macedonian*, has arrived at the navy yard, New York, where she will be repaired as speedily as possible for a cruise. The frigate *United States*, having received very little damage, is ready for sea.

The U. S. brig Argus, has arrived at New-York without meeting with any thing to do since she took the prize heretofore noticed, save to make her escape from the British squadron off our coast, all of which chased her.

The U. S. frigates President and Congress returned to Boston on the 31st ultimo, after an active cruise of between 80 and 90 days. They have been as far to the East as long. 22, and to the South as lat. 17 North. From long. 22, they ran down the trade wind to long 50, and passed to the North. 120 miles from Bermuda. The space passed over is not less than 8000 miles, yet, strange to say, no opportunity to test the spirit and discipline of their officers and crews was afforded! They captured only the two vessels already noted in our prize lists.—They saw the British frigate Nymph, who escaped in the night, and lost the frigate Galatea in a fog as has been heretofore stated. They spoke many American and neutral vessels, but saw nothing British, those noted alone excepted; which shews that the "mistress of the sea" is not omnipresent to assert her sovereign claims. For such a cruise as this, were *Rodgers* and *Smith* Frenchmen, *Bonaparte*, would make them members of the legion of honor—while they regret, only, that fortune forbade them to come in contact with the enemy. The *President* brought in about 50 prisoners—the CASH taken from the Packet *Swallow*, was carried to the bank from the navy yard, with drums beating and colors flying in several waggons, escorted by a part of the crews of the frigates, and a detachment of marines, amidst the huzzas of a large concourse of spectators.*—The squadron was informed on the 16th of December by the Teazer privateer, of the capture of the *Frolic* and *Macedonian*. These frigates will soon be ready for another cruise; and, forming a junction with other vessels, may sweep the coast.

☞By the order in council inserted in page 297, the British government have relinquished, in favor of the officers and crews of their vessels of war, all claim upon prizes they make of *American* vessels, &c. That congress will act with equal liberality towards *our* most precious seamen, cannot be doubted, the moment that the proposition is offered.

The Boston *Pilot* gives us to understand that the reports put into circulation stating that the timber collected at the navy yard there for the purpose of building 74's was cut up for the gun-boats, &c. are false; and intimates that two of them may be built there.

A public dinner was given to com. *Decatur*, capt. *Hull*, (capt. *Jones* could not attend) by the corporation of New-York, on the 29th ult. Nearly 500 gentlemen sat down to the tables, and some hundreds were prevented by the want of room from partaking in the civic feast. The mayor presided. The entertainment was got up in great stile, and *Yankee doodle* was the favorite music. [We are glad that this old tune is coming into fashion.] The toasts drank generally pointed to the creation of a navy.

A splendid naval ball was given to the officers of our frigates at New-York, a few days ago. More than 300 ladies, elegantly dressed, attended. Every thing was got up in the grandest stile—the dancing and supper rooms were decorated with many superb transparencies in honor of our naval victories, and the whole presented a scene of unrivalled beauty and splendor. The supper room was fitted up so as to represent the great cabin of a ship of the line.—These things tend mightly to harmonize the feelings of the people, and promote a spirit of patriotism in the breasts of the most callous, as well as to excite the brave to deeds more daring. We wish to all such parties as much pleasure as the occasions that give rise to them are glorious.

It is stated that the corporation of New-York intend giving a dinner to the officers and *crew* of the frigate United States.

The citizens of Portsmouth, N. H. have presented an elegant sword to lieut. Wadsworth, a native of that place, as a tribute to his valor on board the frigate *Constitution*.

It is *hinted*, in a way that gives us some reason to suspect the proposition will be brought forward—that congress will pass a law having for its object the exclusion of *foreign* seamen from the navy and merchant vessels of the United States; most probably on the principle proposed by Mr. *Russel* to lord *Castlereagh*, which shall be reciprocal.

Naval court of enquiry.—According to general usage in similar cases, a court of enquiry has been held on the conduct of captain Jones, late commander of the United States' ship Wasp, and his officers and crew, in surrendering the same to a British ship of 74 guns. The following decision of the court, approved by the secretary of the navy, we have pleasure in laying before the public.

Opinion of the court.

The court having heard the statements and evidence in this case, and having maturely considered the circumstances attending the surrender of the United States' ship of war, the Wasp of 16 guns, to his Britannic majesty's ship of the line, the Poictiers of 74 guns; particularly the crippled and disabled state of the Wasp from the brilliant and successful action with his Britannic majesty's ship, the Frolic, of superior force to the Wasp, about two hours before the Poictiers hove in sight—and the force and

*It is said, that the specie *and gold dust* deposited are worth 300,000$.

condition of the Poictiers, which made it useless for them to contend, and rendered them unable to escape, are unanimously of opinion, that there was no impropriety of conduct on the part of the officers and crew of the said ship Wasp during the chase by the Poictiers, or in the surrender—but that the conduct of the officers and crew of the Wasp on said occasion was eminently distinguished for firmness and gallantry, in making every preparation and exertion of which their situation would admit.

Dulce et decorum est pro patria mori.

At a meeting of the young men of Lancaster, at the house of Mr. Slaymaker, in consequence of the death of lieutenant J. M. Funk, a native of this borough; captain Henry Shippen was called to the chair, and George L. Mayer appointed secretary.

Whereas, with the deepest regret, we have been apprised of the untimely death of our friend and fellow citizen, lieutenant *John Musser Funk*, who fell gloriously fighting the cause of his country, in the engagement between the frigate United States, and the Macedonian, which ended in the brilliant victory of the United States over the British frigate:

Resolved, That, as a testimony of our grief at the loss of the companion of our youth, our respect for his virtues and the high estimation in which we hold his memory, we will wear crape on the left arm for the space of thirty days.

H. SHIPPEN, *Chairman.*

G. L. MAYER, *Secretary.*

American Prizes.

WEEKLY LIST—CONTINUED FROM PAGE 288.

"The winds and seas are Britain's wide domain,
"And not a sail, but by *permission*, spreads!"
British Naval Register.

309. Brig Pomona, from Lisbon for Newfoundland, a valuable vessel, carries 8 12 pounders, sent into Belfast, Maine, by the letter of marque Leo, on her voyage to France.

310. Ship Betsey, — guns, from Glascow, for Barbadoes, supposed to have a quantity of specie on board, sent into Wilmington, (N. C.) by the Revenge of Baltimore.

The Point in Controversy.

From the earliest history to the present day—in all ages and countries, nations, kingdoms or states, past or present, the protection of the people from *foreign* aggression has been considered the main principle of *sovereignty*, as well as the grand tie that fastened *society* together. The most precious villains that ever held a sceptre or administered a government, however prodigal they themselves might be of the lives, liberties and properties of their subjects, have kept their eye single on this, and always resorted to arms as an *absolute necessity*, when a *foreigner* molested them in the enjoyment of either.—*Nero*, whose name is synominous with all that is cruel and base, would have relinquished his most beloved debaucheries to avenge his subjects of a *foreign* prince, who should have inflicted on the *Roman* people the least of the oppressions that he himself vexed them with—for *Nero* must have been sensible that his *own power* was co-existant and immediately dependent upon *such protection* afforded. It ever was, and is, and shall be, the *common law* of the world, civilized or uncivilized, *Christian*, *Jew*, *Turk* or *pagan*, that *sovereignty* in government is inseparably connected with the *protection* of the people governed. *It is impossible that the former can sustain itself without the latter.*

A writer in our eastern paper, excessively pleased that the United States find it necessary to borrow money to carry on the war against *Great Britain*, addresses a long essay to the "capitalists" of a certain state, with the avowed object of preventing them from loaning any part of it. He says—"you all "know the *point* upon which the war now professedly "rests; and you know it is a point which *Great Britain* CANNOT give up, and which our government "has selected because it cannot be abandoned."

This "point" every man knows to be the *impressment of seamen* on the high seas, from *American* vessels.

The paragraph is inserted only to shew the great lengths to which a deleterious *British* influence proceeds. All honest men would despise us for commenting upon it—but we, design to offer a few remarks on the subject of *impressment* generally, tho' the matter has often been touched in this work.

"If it be true (says a nervous and elegant writer) that the *existence* of *Great Britain* depends on the exercise of this outrage—it is as true that *our independence* depends on the resistance of it." A proposition, bearing in itself, "confirmation strong as proofs from holy writ."

There never was an easier refuted falsehood propagated by the *ingenious* cabinet of *St. James'*, or insisted upon by its friends in either hemisphere, than that *Great Britain* desires to obtain ONLY "*her own seamen*," as the phrase is—i. e. her "natural born subjects," be their present residence, home or circumstances what they may; for she impresses *boys*, *Germans*, *Swedes*, *Danes*, *Portuguese*, and even *Frenchmen*, from on board *American* vessels, as her need requires, or the caprice of the naval officers prescribes.* In some instances *whole crews* have been seized. The ship *Pekin*, of *Philadelphia*, struck on a rock near the island of *Java*, in the East Indies—she was got off by assistance from the British frigate *Cornelia*, captain *Owens*, and towed to *Onrust island*, from whence the whole crew were impressed by a gang from the *Cornelia;* and the ship being left unprotected, was plundered by the *Malays*.—The master of the *Pekin* made every effort to regain his men; but captain *Owens* said, they were fitting out an expedition against the *Dutch* settlement *Palamban* and that HE WAS IN WANT OF MEN—adding, however, that when the affair was over they should be released and paid for their services. This happened in March 1812. The crew have not returned—if they touched the proffered compensation, they became as "liege subjects of his majesty"—if they refused, they might be cast on shore ten thousand miles from home, destitute of the means of obtaining a mouthful of food or of returning to their country. But the probability is they were retained: as, in the *Indian* seas, from the effect of the climate, "his majesty's ships" ALWAYS "*want men*." Captain *Owens* did not pretend to *suspect* these men for *British* subjects, but, in the TRUE SPIRIT OF IMPRESSMENT, *took them because he wanted them to fight the* DUTCH. The fact is, that *Great Britain* has many thousand *foreign* seamen in her service; crimped, inveigled or feloniously seized upon, in all manner of ways, and held and retained by fraud and violence—they amount to between 30 and 40,000 men; some of whom may have entered voluntarily, but 15,000 have been impressed from *American* vessels on the high seas—it is believed she does not impress from any other; at least we have not heard of a case of the kind.

*See correspondence of Mr. *Pickering* with Mr *King*, Weekly Register, vol. 2, page 385, &c.

It is true that *Great Britain* wants men for her navy——the dey of *Algiers* also wants slaves to build his palaces—one has as much right to *impress* as the other. To bring the case nearer home: It is is the plea of the *southern* people that they *must* have laborers to cultivate their cotton, rice, tobacco, &c. This is their business—the means by which they obtain a livelihood. Their "*existence*," they tell us, depends upon raising these commodities, and they "*cannot*" raise them without *slaves*. Will this plea justify them in *impressing* the people of the *eastern* states to work in their fields, because they have not negroes enough to answer their purposes? Would the excuse made by captain *Owens* of the *Cornelia*, satisfy the fellow citizens of those violently seized and compelled to labor against their consent?—Would they not indignantly say——"WORK YOURSELVES OR STARVE. What is it to US that YOU "must have men" to raise *your* tobacco, *your* rice, and *your* cotton?—YOU AND YOUR COMMODITIES MAY PERISH TOGETHER! Use your own *negroes* as you like, but dare not lay your hands upon a *Yankee*. Curtail your expences—lessen your pride; be sober, temperate and discreet, and you can get on well enough—but in any event, *we* have nothing to do with *your* concerns, and *you* SHALL NOT *make slaves of our brethren*." "Softly, Mr. *Jonathan*," says the *southern* man, some of our *negroes* run away, and it is impossible in all cases to *distinguish* them. Be not offended: we will restore such as we seize by MISTAKE, *if you can find out where they are*, and *prove* them to be of *your immediate family*. We raise *cotton* and *rice* to clothe and feed "*the world*;" and, indeed, brother *Jonathan*, you ought not to quarrel with us for a few of your laborers, who are, "*generally the very refuse of mankind*." What would the eastern people say to this? "The hundred hills of Massachusetts" would reverberate one deep toned and irresistable cry for justice—"indemnity for the past and security for the future," would be demanded by every man, woman and child of that respectable state;—and cursed be he that would sheath the sword before they are obtained: it would not be sheathed while an honest *Yankee* had life and strength to wield it, the wrong unatoned for. Yet such, in substance, is the *British* OFFICIAL plea; her navy officers disdain to use it; they merely allege "*they want men and must have them*." A *white man* and a *negro* are not more *certainly* distinguishable from each other, than many persons impressed are from *British* subjects—and no punishment or censure is inflicted for the mistakes they make. Indeed it shews a *good officer* to keep up a full crew; and he is esteemed in proportion to the efficacy of his command. An enquiry how he got the men is never thought of—it is sufficient that he has them.

Again—by the laws of *Great Britain*—if a *foreign* seamen voluntarily enters her navy, he will not be given up—if he remains two years in it, he becomes *naturalized* from the mere fact of doing so, and never can cast of his "allegiance"—if he marries a British woman he is transformed into a *British* subject;‡ which is also done by making that country his *home* for a short period. Nay, it appears, from the correspondence of Mr. *Savage*, inserted in this number, (see page 296) that the simple act of entering the *merchant's* service makes a legal subject of the British crown. Further, if an *impressed* man "enters," as they call it, or receives one penny of bounty or pay, under any circumstances whatsoever, his fate is sealed.—THESE ARE ESTABLISHED FACTS. Let us now allow to *Great Britain* the highest claim that her most desperate partizans can offer—and, for one moment, receive the most glaring falsehood and wilful perversion of fact for holy truth, and say—that she desires to search *our* vessels, in a friendly way, for *her* "natural born subjects" only—What then? Are not *our* naturalization laws as good as *her's*? Shall the man who has married a wife here, and by a residence of five years and due process of law made himself a citizen, be impressed? Will she not be ruled by the same principle that governs her own conduct? Would she give up to an *American* vessel of war an *American* seamen in her service (much less a *Swede, German*, &c.) against his consent, and who by his own voluntary act had become her subject? NO—never while she had a brave man to point a cannon would she submit to this. How base and contemptible, then, is that sophistry that would reason us into a belief that *we* ought so to do! The grandest rascal, covered by the canopy of Heaven, dare not complain that the same measure is meted to him that he metes to others.

Further—if the most dignified officer in the naval service of our enemy were to plunder neutral vessels of a *box of codfish*, or a *bale of cotton*, on *suspicion* that it was even *enemy's* property, it might cost him his whole fortune with an ignominious dismissal.—The law of nations allows him to send in the vessel for adjudication, and it becomes him to prove the fact he suspected—if he he fails in this, he is often mulcted in heavy damages by the courts of law of his own country. But in the business of *man-stealing*, he himself is judge and jury—he takes when and where he pleases, and is irresponsible for his conduct. If complaint is made, he silences it by the broad plea "*that his majesty wanted men*"—and, if the man stolen is restored to liberty after years of dangers and servitude, without one cent for his hazards and toils, there are knaves who produce his case in evidence of "*British magnanimity!*" The plea, just above mentioned, like the mantle of pretended *atheism*, covers the most horrible crimes, and legalizes acts worthy the choicest torments of ancient *Persian* monarchs or modern *Spanish* inquisitors.

By referring to the documents inserted in the second volume of this work, page 385, *et seq.* it will appear that every administration has resisted the impressment of seamen from our vessels, under any circumstance. The leading men of all parties have solemnly protested against it, and pronounced the practice inadmissible. The evil daily increased; and, the most honest endeavors having failed to check or control it, it remained for President *Madison* to recommend the last resort of the injured—AN APPEAL TO ARMS.

In a future number the proffers of an accommodation made by Mr. *Russell* to lord Castlereagh, will be noticed, &c.

‡See admiral *Warren's* letter, page 280.

Proceedings of Congress.

HOUSE OF REPRESENTATIVES.

Saturday Jan. 2.—The bill supplementary to the act for the more perfect organization of the army of the United States was read a third time.

Mr. Stow asked the indulgence of the house for one moment—not that he might advocate or oppose the present bill, but that he might explain to this house and the nation the vote he was about to give. I was, said he, decidedly opposed to the war, and I have, by every lawful means in my power, endeavored to change the executive. Shall I then vote the means for carrying on a war which I opposed, and place those means in the power of men in whom I have but little confidence? I deliberately say, yes. When the people by their constituted agents have

said we "will have war," and when they have decided who shall be the executive to conduct it, I conceive it my duty to furnish all reasonable means for carrying their will promptly and vigorously into effect. If the executive misuses these means, he is answerable to seven millions of people—if he use them wisely, we shall all share in the prosperity and glory of our country.

The bill was then decided, yeas 65—nays 34.

The house resumed the consideration of the report of the committee of the whole on the bill in addition to the act for raising and an additional military force.

The amendments made by the house having been agreed to—the question was stated, Shall the bill be engrossed and read a third time?

After a good deal of conversation on various parts of the bill, and sundry propositions made to amend the same, the house adjourned without a decision.

Monday, Jan. 4.—Mr. *Edward Hamstead*, a delegate from the territory of *Missouri*, appeared and took his seat

On motion of Mr. *Burwell* a resolution was adopted instructing the committee of ways and means to inquire into the expediency of fixing by law the value of foreign gold coins in the United States.

Mr. *Randolph* offered a resolution "*to request the President to lay before the house a roll of persons having office or employment under the government of the United States.*

After some observations from Messrs. *Randolph*, *Blackledge* and others, the further consideration of the motion was postponed until Wednesday.

The house resumed the consideration of the bill for raising an additional military force for one year, and after Messrs. *Brigham*, *Ridgley* and *Pitkin* had successively spoke against it—the house adjourned.

Tuesday, Jan. 5.—After some minor business, the house resumed the bill for an additional military force, as on yesterday—Messrs. *Boyd*, *Law* and *Quincy* (the latter at great length) spoke against it, and Mr. *Rhea* in favor of it.

Wednesday, Jan. 6—The business of yesterday was continued—Messrs. *Rhea*, *Widgery*, *Archer*, *Grundy* and *Troup* spoke in favor of the bill, and in reply to those who had spoken against it.

THE CHRONICLE.

The president has signed the bill for increasing the navy of the United States, and the bill directing the secretary of the treasury to remit certain fines, penalties and forfeitures—that is, to cancel the merchant's bonds.

The legislature of Georgia have passed an act staying executions for debt during the continuance of the war.

By an arrival at New-York we have news from England to the 11th of November. A despatch has been received from lord *Cathcart*, the British Envoy in Russia, that mentions a great victory obtained by the Russians over the advanced guard of the French under Murat near Moscow, on the 18th of October. It is said the Russians took 38 pieces of cannon and a standard of honor. Particulars are not mentioned, but we understand from the accounts, that *Bonaparte* had retreated from *Moscow* to *Smolensk*; where, it is further said he was completely surrounded. The Russian general *Wintzingerode* had entered Moscow, from which the French had retreated so precipitately as to leave their sick behind them. All these things are *possible*.

It is reported that the Russian fleet has arrived at Leith, Scotland, to preserve it from the French, and to co-operate with the British navy.

From *Spain*, it is intimated that the French have re-taken *Madrid*. The event of the war in the Peninsula will materially depend upon the progress of things in *Russia*.

The French papers state, that great discontent prevails among the Spaniards in the districts through which the British armies have lately passed, because all the supplies furnished have been paid for in *paper*.

Austria is assembling a large army in Hungary—its ostensible object is to attack the Turks.

French fleet.—A French squadron (says a London paper of November 6.) consisting of one three decker, five 74's three frigates, and some smaller ships of war, are said to be lying in Basque Roads, but not at a greater distance than two gun shots from the British squadron, consisting of one three decker and three 74's. The enemy had more than once evinced a disposition to face this inferior force, but the wind did not exactly favor their intention. There is no doubt of the intention of this squadron to escape to America, if possible.

Earl *Moira* has been appointed governor-general of British India. The British parliament was to meet on the 24th of November. Lord Castlereagh, by a circular letter, had requested the punctual attendance of all the members of the house of commons on that day. The prince regent was to open the session by a speech from the throne.

A London paper says that the callender for the *Old Bailey* sessions is heavier than ever was known. The total number of persons committed for trial is 250, of whom *eighty* are for *capital* offences.

Wonderful.—The following is a letter from Malta, says a late London paper:—

"I have to acquaint you, of a Phenomenon which has appeared at Damascus, in Syria, in April last:—*a pillar of fire*, of an immense light, was seen towards the East, and remained in view three days and nights; during which time, no Sun, Moon or Stars, were seen; yet the light was sufficient for seeing any object. This has given rise to many conjectures among learned men in this place. The Nile has risen two months before the usual time."

It is confidently rumored that the rev. Mr. Mendola, the Portuguese rabbi, received a letter a few days since, from the rabbies of Jerusalem, informing him, that there had been no darkness in the sacred city for three days and three nights, in consequence of a *cloud of fire* which rested on a tree in the vicinity; and that the third day it vanished, to the general consternation of all the inhabitants. The tree, it is observed, was not damaged by the miraculous and awful event! We are confidently assured, by very serious authorities, that no doubt exists among the children of Israel, in this metropolis, as to the verity of this extraordinary communication.

Elizabethtown, N. J. Dec. 22.—Governor Ogden's beautiful steam boat, just completed, went from this place to Amboy, on Friday last, to take out papers. Her performance was highly gratifying to the friends of an establishment that promises not only private emolument, but public utility. She returned from Amboy, a distance of 13 or 14 miles, in two hours; from which it may be inferred, that after the friction of the machinery is reduced by exercise, her velocity will exceed any of those now in use. The machinery, which differs in many respects from any heretofore built, was prepared by Mr. Daniel Dod, formerly of Mendham. This gentleman, as a mechanic, is inferior to very few of that useful class of citizens, whether we consider his ingenuity of invention, correctness of calculation, or neatness in execution.

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Hæc olim meminisse juvabit.—Virgil.

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Legislature of Maryland.

The following preamble and resolutions were introduced into the senate of this state by Mr. Stephen, on the Saturday last previous to the adjournment of the legislature, read, concurred in by that body, and sent to the house of delegates. They were intended as a substitute for those passed by the house of delegates on the 22d ult. disapproving of the President's requisition on the several state governments for their respective quotas of 100,000 militia, in pursuance of an act of congress of the 10th of April, 1812—(See page 273.)

BY THE SENATE—JANUARY 2, 1813.

Whereas it is the duty of those to whom the people of these United States have confided the administration of our national concerns, to take effectual measures "to establish justice, insure domestic tranquility, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity," to enable the public functionaries to execute this important trust, and to repel any encroachments which the injustice or ambition of a foreign power may attempt to make upon our unquestionable rights as a free, sovereign and independent people, holding equal rank and possessing equal privileges with the other nations of the world; the constitution of our country has invested its rulers with the power of calling into action the national resources, and of directing the application of them in such manner as may in their judgment be best calculated to attain indemnity for injuries which are past, and security against their recurrence in future; and although it should be the constant endeavor of the government of our country, to maintain entire and unimpaired the relations of peace and amity with all the world, yet whenever the pursuit of this pacific policy is rendered utterly inconsistent with the national interest, prosperity and happiness, by the unprovoked injuries and lawless aggressions of a foreign power; whenever those rights are assailed, without the full and perfect enjoyment of which a nation can no longer claim the character and attributes of sovereignty and independence; whenever the right of a free people to navigate the common highway of nations, for the purpose of transporting and vending the surplus products of their soil and industry at a foreign market is attempted to be controled and subjected to such arbitrary rules and tyrannical regulations, as the jealousy or injustice of a foreign power may think proper to prescribe; whenever their citizens engaged in the exercise of their ordinary occupations, and laboring to obtain the means of subsistence for themselves and their families, are torn by the ruthless hand of violence from their country, their connections, and their homes; whenever the tender ties of parent and child, of husband and wife are wholly disregarded by the inexorable cruelty of the unfeeling oppressor, who usurping the high prerogative of heaven, and anticipating the dread office of death, converts those sacred relations into a premature orphanage and widowhood, not that orphanage and widowhood which "spring from the grave," unless indeed the floating dungeons into which they are cast, and compelled to fight the battles of their oppressor may be compared to the awful and gloomy mansions of the tomb; whenever injuries and oppressions, such as these are inflicted by a foreign power, upon the persons and properties of our citizens, and an appeal to the justice of such power to obtain redress proves wholly useless and unavailing; in such case it is the duty of those to whom the sacred trust of protecting the rights of the citizen and the honor of the nation is confided to take such measures as the exigency of the case shall require to protect the one and vindicate the other:—Therefore,

Resolved, That the war waged by the U. States against Great Britain, is just, necessary and politic, and ought to be supported by the united strength and resources of the nation, until the grand object is obtained for which it was declared.

Resolved, That we have full confidence in the virtue, patriotism and ability of the chief magistrate of the nation, and rejoice that he will again be rewarded by the suffrages of his fellow citizens, for his able and faithful services in the cause of his country.

Resolved, That we acknowledge and assert the constitutional right of the President of the United States to call into the service of the same, the militia thereof under the authority of congress, whenever in his opinion the exigencies enumerated in the constitution, demand such a requisition.

Resolved, That we entertain a high sense of the distinguished valor, skill and patriotism of our naval commanders, and their brave associates, evinced in the late victories obtained by them over the public enemy, and that for such brilliant and illustrious services, they merit the gratitude of their country.

By order, THOS. ROGERS, *Clerk.*

Legislature of South Carolina.

AN ACT TO PREVENT DUELING.

The following bill was passed by the legislature of this state, at their late session, and has become a law.

Be it enacted by the honorable the senate and house of representatives, now met and siting in general assembly, and by the authority of the same, That from and after the passing of this act, if any person or persons, resident in or being a citizen of this state, shall fight a duel, or shall send or give or accept a challenge to fight a duel, or shall cause any such challenge to be sent, given or accepted within this state, or within the limits of the United States, his or their seconds and all and every other person or persons, directly or indirectly concerned, in fighting any duel, or sending, giving, accepting or carrying or conveying any such challenge, their counsellors, aiders and abettors, upon being thereof convicted, in any court having jurisdiction, shall be imprisoned for twelve months, and shall severally forfeit and pay a fine of two thousand dollars, to the use of the state, and shall stand committed until such fine is paid, and until he or they shall severally give ample security, to be approved by one of the associate judges of this state, in the sum of two thousand dollars, for his perpetual good behavior, and shall forever be disqualified from holding any office of profit or trust, in or under this state, or from

practising law, physic or divinity, within this state: *Provided however*, that in case any death shall happen in consequence of any duel, this act shall not be so construed as to save the offenders the pains and penalties of the laws of the land provided for the punishment of homicide.

And be it further enacted, by the authority aforesaid, That all acts and parts of acts, repugnant to this act be, and the same are hereby repealed.

Mr. Quincy's Speech.

In the House of Representatives, on Tuesday the 5th inst. the bill for raising an additional military force of 20,000 men, being under consideration, Mr. *Quincy* rose and delivered the following speech; and though it is not *immediately* in reply to Mr. *Williams*, but applies to the war *generally*, we prefer it to a place in this work. It is copied from the *United States Gazette*, for which it was reported.

Mr. Quincy said that he had some opinions upon the bill, which he wished to offer in full, though he should fail, he feared, from the want of health. The bill, he observed, proposed to augment the army by 20,000 men. This extension, if granted, would raise the army to 55,000. It had been stated on that floor by the committee of foreign relations, that the existing military establishment would answer all the purposes of internal national service, and that this new army of 20,000 men, was intended for the invasion of Canada. As this was the avowed purpose of the bill, he would bring it into distinct considerations. The invasion and conquest of Canada as it was desirable in itself, and as it might be made conducive to the attainment of peace. He directed himself to his political friends, and to his political opponents (for there were men on both sides who totally disbelieved that this was the object, and flattered their good hearts that it was a mere threat thrown out to aid negociation) and he bid them beware how they acted upon that erroneous imagination. Whoever conceived that the measure was projected as a means of peace, or for any thing but an invasion of Canada, or that the war would not be continued, was grossly deceived. He warned his political opponents, who, though with upright views, submitted to the dictates of the cabinet, to recollect what their past experience must have shown them. That no proposition which was likely to be obnoxious to public censure—no dose which was likely to produce nausea, or to scour the popularity of the government, ever was administered by them, but some under operator was employed to suggest that there was some other object in it than the true one, and to assure those whose stomachs turned at it, that it was not what they thought it. Of this sort was the assurance given on the introduction of the embargo law, which was intended to operate inimically to Great Britain; but its advocates came there and urged that it was merely intended to save the essential resources of the country. And in like manner the incipient steps to this war were glossed over by an assurance that Mr. Foster had instructions which would enable administration to settle all differences with him: and the vast military establishments desired, are said to be only a grand scheme of pacification.

His political friends too, Mr. Quincy appealed to a warning voice. Too apt to rely on their own wisdom, they maintained that it could not be; it was impossible administration could meditate the taking of Canada. Where were the men? Where was the money? The eastern states would be disgusted; common sense and common prudence forbid it: and, therefore, no project was less to be expected. But that was the very reason, he said, why he thought it more likely to be suggested and adopted by the cabinet; and, paradoxical and anamalous as it might seem, the reason why it was more likely to succeed too.

Out of twenty illustrations to which he could resort, he would select only two upon this subject. When the war came under consideration, no one believed that it was really a war for the conquest of Canada, or that our cabinet could seriously contemplate a war against Great Britain any more than they could against China. A nation in the enjoyment of more than thirty years peace to encounter one in the full prosecution of a war already of twenty years' duration. A nation without resources; without an army; without a navy; without military force, science, habits or discipline, to go to war with the most rich and powerful nation upon earth, which, without raising one additional soldier or sailor, or equipping one additional ship, could carry havock and desolation over our shores and into our cities. Even now, many were pretty nearly in the same condition of mind as the gentleman of Pennsylvania, who insisted that the existence of a declaration of war was all a federal falsehood—plagued with common sense and prudence, they could not believe the invasion of Canada possible, or that whatever hostile intention we might have to Great Britain, we could deliberately go to wreak it on a race of inoffensive colonists, with whom the people of our nation was on terms of friendly intercourse, in the habits of mutual interchange of acts of neighborhood—connecting themselves by marriage with each other, with so many inducements of bread and of heart to avoid hostilities—It could not be believed—It could not be imagined, that exclusive of these considerations we could think of going with a raw undisciplined militia against a country defended by at least twelve thousand regular veteran troops besides its militia; and to march into it, inviting treason by proclamation, in a quarter too, where such a system could be retorted upon us with the most terrible effect, seemed to be beyond the range of possibility: It never enters into their heads that all this was connected with the choice of electors for the next president, and that the invasion of Canada was only another mode of carrying on the election. But now all was revealed: now it was as clear as day, proved to demonstration that the country may be disgraced, and yet the cabinet honored—that the country may be ruined, yet those who hold its destinies be happy.

Mr. Q. here reverted to an expression of his, viz. that, paradoxical as it might appear, a measure was the more likely to succeed for being contradictory to common sense and common prudence. He said that there was something in flagrant audacity more likely to accomplish certain purposes than either strength or genius: and he who, regardless of shame, undertook what never was thought of before, or before undertaken, was most likely to accomplish it. The project now in the contemplation of the government, he thought of this kind, and quite likely to succeed. It was feasible—an army of 50,000 men might be obtained, he did believe—money might and would be got by loan—and then such an army having a proper leader, animated by a conviction of its own strength, and of the danger of flinching, would not fail to get what they demanded, if not by the votes of this house, by the bayonet. Mr. Q. therefore warned them to see the business as it really was. A scheme of invasion, which, as the French emperor once said about ships and colonies—so his friends in the American cabinet.

Here he was called to order by a member.

The speaker spoke, but we know not what specifically was said by him, or by the member who called Mr. Quincy to order—we imagined at the time; it related to taking down Mr. Quincy's words from that gentleman's reply, in which he said he was desirous to be responsible for every word he said, and then repeated them; insisting that it was right to call nations at peace with us, and indeed all as one as in alliance, our friends. He spoke of their public relations. He had a right to do so, and therefore he would say what he had before attempted to say—"A scheme of invasion, of which, as the French emperor said about ships and colonies, so his friends, the American cabinet, may say of Canada, that they were entering into a scope of policy. "I will tell gentlemen (continued Mr. Q.) that no government ever yet was injured by false innendoes. The sting of sarcasm, and the strength of satire consist in the truth of the remark."

Considering then the object of the bill to be what it was called, a mean for taking Canada, Mr. Q. said he would view it in three distinct points:

1st. The invasion on its own merits.

2d. As a mean for the attainment of peace.

3d. As a mean for the advancement of the local views of the continent.

As to the first point, he said, he was not uttering his own opinion only, but the confirmed sentiments of the people in his portion of the union, that the invasion of Canada was cruel, wanton, senseless, and wicked. He was not, as might be understood by gentlemen, one of those new politicians recently produced, who worshiped in the temples where Condorcet was priest, and Machiavel was god, who considered that the end justified the means—that the least possible good to ones self was a sufficient cause for doing great evil to others—or could believe that for the offences of a people three thousand miles distant, we were justified in visiting with fire and sword, an innocent, unoffending people, who were tied to us by acts of friendly intercourse and neighborhood. What, though it were shown to the authors of these evils that the invasion of Canada would produce no effect on the conduct of the British cabinet—that there was no plunder to invite; no glory to be obtained—it would not. To such politicians, principle, feeling, pity, justice, were nothing—revenge was every thing.

Mr. Q. said that he knew of no legitimate basis of political, but the moral duties—no spring from which to draw conclusions respecting either, but from the nature of things, and the relations existing among them. It would be said that the war gave a right to take the property of the hostile nation, and that the dependencies and colonies being subjects, their property was liable. But there were other relations, he said, which deserved attention—the relations which nature had established between the United States and those colonies; antecedent to this war there subsisted between Canada and the United States an intercourse of the most amicable and interesting nature. The people on both sides of the St. Lawrence were but as one family, though living separately, in the constant reciprocation of friendly and tender offices—they even intermarried with each other. As enemies, if they had been so, (they were, in fact, till now, friends) there was nothing to fear from them. Seven millions of people had nothing to apprehend from not half a million. Plunder was not to be had there—and glory! surely there could be no glory? Seven millions conquering 500,000;—a giant crushing a pigmy. The giant who could glory in such a triumph, must have a pigmy spirit, indeed! Nor was this all—it could not in any material degree affect Great Britain to our advantage—on the contrary, the invasion, so far from having a favorable, had a most inauspicious effect. It was the invasion of Canada that gave new strength to the British ministers at the late election. The British people were willing to take ground with America on principle, but when they saw that we grasped at the first opportunity to carry the war among their harmless colonists, sympathy enlisted them on the side of the latter, and produced an effect upon their temper, such as might be expected. But all the considerations were lost upon our cabinet. Even before the war was declared, our army was marched against the Canadians. And it was not owing to our governvernment, or their advocates in that house, that at the moment Mr. Q. was speaking, the bones of the Canadians were not mixed with the ashes of their habitations. "Since the invasions of the buccaneers" (said Mr. Q.) "there is nothing in history like this war. The disgrace of our armies is celestial glory, compared to the disgrace reflected on our country by this invasion—yet it is called a war for glory! Glory? Yes, such glory as that of the tyger when he tears the bowels from the lamb, filling the wilderness with its savage roars. The glory of Zengis Khan, without his greatness—the glory of Bonaparte." Far from me, and mine, and far from my country (continued Mr. Q.) be such glory.

> Fame is no plant of mortal soil,
> Nor in the glistening foil
> Set off to the world, nor in broad rumor lies,
> But lives and spreads aloft to those pure eyes,
> And perfect witness, of all judging Jove,
> When he pronounces lastly on each deed,
> Of such a fame as this be my country's meed.

Mr. Q. said that not only all the duties, so far as they have relation to that people, but those we owe ourselves, our fellow-citizens, and our constitution, suggest that we are the very last people on the face of the earth that should call together and embody the vagabonds of the country, and put them under that dangerous class of men "the choice spirits."—Did the house learn nothing from history? Did it not tell them, with manifest proofs, thick set through its pages, that armies, placed under such men, when they come to know their strength, and to understand the power men derive from acting in concert, and feeling the comforts of a life of useless indolence, come to be disbanded, and so to sink into insignificance, will never consult old spinners and weavers, the plodding creatures of thought and labor, and principle, but will take counsel from their leader, what they shall next do. "Remember," said Mr. Q. "remember, I warn you, he who plants the American standard on the walls of Quebec, plants it for himself, and will parcel it out into dukedoms and seignories and counties, to his followers. When I contemplate the character and consequences of this measure, it is a solace to me under my regrets, that my section of the union has no hand in it—that it abhors and eschews it—that we have done our utmost to drive the guilty authors of it from their seats—that our hands are not embrued in blood—and that the souls sent to their untimely reckoning by the recent measures have not to accuse or bear witness against us before the judgment seat of heaven." This way of thinking, Mr. Q. said, was not peculiar to him, but was the opinion of all the moral sense, and of nine-tenths of the intelligence of the section from which he came.—Some who are here, said he, from that quarter, some of the household troops, who lounge for what they can pick up about the government house, will say differently—those who come here, and, with their families live and suck upon the breast of the treasury—toad-eaters, who live on elemosynary, ill-purchas-

ed courtesy, upon the palace—swallow great men's spittle, and get judgeships, and wonder at the fine sights, and fine rooms, and fine company, and, most of all, wonder how they themselves got there—these creatures will tell you no——that, such as I describe, are not the sentiments of the people of New-England. But I say "look at the elections! In Massachusetts an individual against whom there was no objection but his being friendly to the cabinet and its system, was put out in favor of a man of another stamp. Sir, I have conversed upon the question with men of all ranks, conditions and parties in Massachusetts; men hanging over the plough and on the spade; the twenty, thirty and fifty acre men, and their answers have uniformly been to the same effect —They have asked simply, 'what is the invasion for? Is it for land? We have enough. Plunder? There is none there. New states! We have more than is good for us. Territory? If territory, there must be a standing army to keep it; and there must be another standing army here to watch that.' These are judicious, honest, patriotic, sober men, who, if it were requisite, and their sense of moral duty went along with the war, would fly to the standard of their country at the winding of a horn—but heard yours with the same indifference they would have heard a Jew's-harp or a banjoo; because they were disgusted with the mode of carrying on the war." The conclusion of Mr. Q. then, on this point, was, that the invasion of Canada was cruel, as it brought fire and sword among an innocent, unoffending people—wanton, because it could produce no imaginable good—senseless, as to this country, because it commences a system, which, once begun, can never be closed, and the army of invasion will be the conquerors of home—and wicked, because it is perverting the blessings and beneficence of God to the ruin of his creatures.

On the 2d point, viz. as the measure was a mean of terminating the war—Mr. Quincy said that this was grounded on the expectation that it would operate on Great Britain by fear. As to the feasibility of the conquest, he would say nothing further than that he admitted we had the means—But if Great Britain saw that it was a threat we meant to execute, and was sure that the conquest of Canada could be effected—just in proportion as she was sure of that —in that proportion was there the less chance of her coming to an accommodation. Young politicians in that house, with the pin feathers yet unshed, and the shell still sticking upon them—perfectly unfledged, though they fluttered and cackled on the floor of congress, who form such extravagant and ignorant opinions of a very proud nation; a nation the last of all in the world to be intimidated, should be informed that the fact, which above all others the history of England most incontrovertibly established, is, that she always sacrifices the present to the future—that she always meets danger half way; and that she yields nothing to menaces. This was the basis of her power and her greatness. This, how little soever known upon the floor of congress, was well known by our cabinet and as well made use of to their purposes—on that ground the present measure, like the attack on Canada, was, not to make peace, but to ensure war. Mr. Q. said he meant to judge truly, but it was his privilege and his duty, as a public man to expose the bad principles of the cabinet. In this case the principle and the practice was, that there was no attempt to negociate which was not preceded, by some subtlety to prevent its success—and looking at their reasons it was this: The way that party threw out their opponents and got into power, was by associating them with political prejudices in favor of Great Britain. In circulating those prejudices lay the whole strength of the present administration—For this reason they never will let any topic connected with that subject be fairly weighed. Bringing antipathies against Britain to bear on opposition—circulating those antipathies and keeping them alive being the whole object of their policy—for this the treaty of 1804 was rejected; for this the treaty of 1807 was rejected; for this the embargo was laid; and for this the treasury was squeezed of 50,000 dollars to Henry, in order to aid the executive at the eve of an election, and to secure his own election to the chief magistracy by circulating that infamous calumny. These British antipathies were to the president and his friends, what Peter's loaf in the tale of the tub, was to him, beef, mutton, veal, pudding, tarts and custards.

From the rejection of the treaty of 1804, the American cabinet contrived previous to every negociation to adopt some plan to prevent its success.— It recommended the non-intercourse merely to preclude negociation; the consequence was, that Great Britain would not proceed till it was suspended; a treaty then ensued, and that treaty was rejected— then they had recourse to the embargo—then came the arrangement with Erskine, in order to gain popularity for the new president, without ever asking the young man whether he had credentials for the purpose. But there was a much worse and more provoking outrage practised to inflame Great Britain; an insult personally to the British king; an insult, such as gentlemen do not bear from each other —no less than an assertion that the British monarch did not know what was his own honor so well as Mr. Madison truly—and this Mr. Smith, the secretary of state, honestly avowed afterwards was put in by Mr. Madison himself, and put in with the sole view to keep irritation alive.

If there was any thing to which man could be solemnly pledged, the president was pledged both as a magistrate and a gentleman, that the Berlin and Milan decrees were repealed on the 1st Nov. 1810— on that assertion of his the renewed hostility to G. Britain was founded; and yet, behold! when that hostility was commenced, Napoleon declared that the conditions he stipulated being complied with by that hostility, then, for the first time, and not till then, viz. in March, 1811, the Berlin and Milan decrees were repealed; Mr. Madison said in his message, that in the repeal there was something very objectionable. It was time for him to say and to think so, when the French emperor therein gave him the lie direct. As soon as the American cabinet found that there was a mistake, they ought to have met Great Britain half way in an accommodation. If they had a real wish for peace they would have done so and agreed to a cessation of hostilities, instead of which, when the governor of Canada proposed an armistice, he sent the whole force of the army against that country, and did every thing to involve the country in ruin, havock and desolation. This disclosed a disposition out of the ordinary course of inhumanity, and if it were not too lamentable to be treated with levity, might be compared to the disposition ascribed to the giant in the children's old play—

> Fee, faw, fum,
> I smell the blood of an British man,
> Be he dead, or be he alive
> I will have some.

Unanimity had been spoken of—If by union was meant concert in the conquest of Canada, he for one would never unite—it would be treason to his country. If one dollar was the offering, he would not have upon him the guilt of it. But if government would limit the army, stop this bill and its threats,

they should have his support. He knew there were those who were ready to open upon him with the old stale cry of British connection. It was not egotism to speak of what belonged to his country.—It would ill become a man whose family had been two centuries settled in the state, and whose interest, connections and affections were exclusively American, to shrink from his duty for the yelpings of those blood hound mongrels who were kept in pay to hunt down all who opposed the court—a pack of mangy hounds of recent importations—their backs still sore with the stripes of European castigation, and their necks marked with the check collar. "No (exclaimed Mr. Q.) may Heaven so deal with me as I am faithful to my country, and may a just judgment fall on me if I fail to bring to the public tribunal those who are bringing that country to ruin." Of the men who compose the American cabinet, Mr. Q. said he knew but little, and that little did not make him ambitious to know more—but duty obliged him to look into the construction of it—doing so, he found that the destinies of the country had for twelve years been exclusively wielded by three individuals—two Virginians and one foreigner. Out of twenty eight years of our government's existence, Virginians had for twenty-four been presidents—to perpetuate that power in the state was the object—James the 1st was a long time ago as secure of being appointed for a second four years as the prince regent of England to the throne of his father; and by a similar plan of intrigue the succession is already fixed on for James the second.

With his election the bill before the house was connected. Mr. Q. would show that the bill was not what it pretended to be, but something else.—There was a great army to be raised by a great loan. It was natural to enquire by whom that army was to be commanded? The answer distinctly was, "by the man who was destined for the next presidency." If personal considerations governed him, Mr. Q. said, this was not the time to develope his machinations; but it was his duty to shew how we were moving on by degrees to standing army despotism. From documents he read, he showed that the firm laid plan of the cabinet of three, was to place one of themselves in the command of the army. And he appealed to every honest man in the house, whether they could match from history the pace of our state managers, or whether such a rapid progress of ambition had ever been developed, as in this free republic, a cabinet of only three men, raising an army of 55,000 men, and placing one of themselves at the head of it.

For what he had said, Mr. Q. said, he would be responsible to his state and constituents. If they were content to be subject to men they knew nothing about, he had not to accuse himself of want of effort to save them. If, by the machinations of wicked ambitious men, his children should become slaves, and be yoked with a negro to the carriage of some southern despot, they should at least have the consolation to say—"our father is guiltless."

[Mr. *Clay's* (the speaker) speech, particularly replying to Mr. *Quincy*, shall appear anon.]

Official Paper.

Document accompanying the bill reported by the military committee on the 29th of December, 1812, making provision for an additional number of general officers.

ADJUTANT-GENERAL'S OFFICE,
Washington city, 23d Dec. 1812.

SIR—Before I reply to your question, "how many major-generals and brigadiers are necessary for an army of thirty-five thousand men?" it may not be amiss to state what is believed to have been the proportion of officers of these grades in the revolutionary army, and what is understood to be the proportion at this time in European armies.

In the first army of the revolution, raised in 1775, we had a commander in chief, four major-generals and eight brigadiers. In 1776, five brigadiers were promoted to the rank of major-generals, and twenty-three brigadiers appointed. In 1777, six brigdiers were promoted to the rank of major-generals, and eighteen brigadiers appointed.

The loss of papers in the war-office, by fire in 1800, renders it impossible to say, with precision, at what particular periods many of these general officers left the service, but it is within my recollection that on the 28th of June, 1778, fourteen major-generals and sixteen brigadiers were actually in the service of the United States. Yet by referring to the official letters of general Washington, in 1778 and 1779, it will be seen that a further increase of general officers was often and warmly recommended.

The main army under the immediate command of general Washington, it is believed, never amounted to thirty-five thousand men, and it is by no means certain, that this number was ever in service at one and the same time, in the whole of what was designated the "continental army." Yet at no period between the first of May, 1777, and the close of the war, had we less than thirty general officers in service.

It was deemed necessary in the revolution, and it is understood to be the general practice in Europe at this time, to have at least one brigadier-general for every two thousand men, and one major-general for every four thousand.

In this country we have never had a grade between the commander in chief and that of major-general; hence it was found necessary, in the "continental army," to give to the senior major-general the command of the right wing, and to the next in rank that of the left; which from the limitted number of general officers, often left a division to a brigadier, a brigade to a colonel, and a regiment to a subordinate field-officer; but in Europe this difficulty is obviated by the appointment of general officers of higher grades.

From the best information I have been able to obtain on this subject, I have no hesitation in saying, that eight major-generals and sixteen brigadiers, to command the divisions and brigades of an army of thirty-five thousand men, is the lowest estimate which the uniform practice of France, Russia, and England, will warrant, and that this is much below the proportion of officers of these grades actually employed in the army of the revolution.

As you have not required my opinion, whether it be necessary to have a higher grade than that of major-general I have not deemed it proper to touch this subject, and have confined myself to the number of major-generals and brigadiers necessary to command the divisions and brigades of an army of thirty-five thousand men. It may not, however, be improper to remark, that if it is intended to have no higher grade than that of major-general, their number should be increased to eleven, so as to give one for the chief command, one for each wing, and one for each division of four thousand men.

I am, sir, very respectfully, your obedient servant

T. H. CUSHING, *Adjutant-General*

The honorable, the Secretary of War.

Expenditure and Application of Monies.

STATEMENT of the expenditure and application of the monies drawn from the Treasury by the Secretary of War for the year ending on the 30th of September, 1812, in virtue of the appropriation laws for the year 1812, and of the unexpended balances of former appropriations for the military department, remaining unexpended on the 1st of October, 1811—Transmitted to the House of Representatives on the 2d of January, 1813.

HEADS OF EXPENDITURE.	Amount drawn from the treasury on account of the War Department from Oct. 1st, 1811, to the 30th Sept. 1812.	Balances in the hands of the Agent of the War Department on 30th of September, 1812.	Total amount drawn, and of balances in the hands of the Agent on 30th of Sept. 1812.	Amount expended, from the 1st October, 1811, to 30th of Sept. 1812, inclusive.	Balances remaining unexpended in the hands of the Agent, 30th of September, 1812.
Pay of the army	935,000	757 60	935,757 60	806,445 10	129,312 50
Subsistence of the army	1,549,000	4,690 53	1,653,690 53	1,552,764 1	926 52
Forage of ditto	25,000	7,178 7	32,178 7	30,705 29	1,472 78
Clothing of ditto	998,000	25,348 90	1,023,348 90	1,005,039 62	18,309 28
Bounties and premiums	411,000	1,915 84	412,915 84	352,089 75	60,826 9
Camp equipage, &c.	365,000	28,846 30	393,846 30	354,465 59	39,380 71
Medical and hospital department	126,000	184 81	126,184 81	125,446 81	738
Ordnance and ordnance stores	690,000	15,915 92	705,915 92	420,220 78	285,695 14
Arsenals, magazines, &c.	341,000	2,360 7	343,360 7	333,249 2	10,111 5
Quarter-master's department	990,000		990,000	981,591 42	8,408 58
Purchase of horses	52,000	5,387 63	57,387 63	51,300 64	6,086 99
Contingent expenses	151,228	5,854 2	157,082 2	156,117 42	964 60
Corps of artificers	2,000		2,000	114 71	1,885 29
Indian department	175,000	11,584 58	186,584 58	164,628 98	21,955 60
Indian annuities	55,975	37,140 48	93,115 48	29,956 51	63,158 97
Pay, subsistence and forage, of rangers	108,772		108,772	60,400	48,372
Militia	406,800		406,800	405,094 53	1,705 47
Arming and equiping militia	140,000	27,745 10	167,745 10	151,700	16,045 10
Volunteers	210,000		210,000	177,893 65	32,106 35
Fortifications	260,000	15,405 9	275,405 9	274,411 99	993 10
Maps, plans, &c.	5,000	459 98	5,459 98	3,507 8	1,952 90
Clerks to military agents, &c.	3,500	1,446 28	4,946 28	1,873 49	3,072 79
Payment of balances	1,000		1,000	921 38	78 62
	$8,001,275	$192,221 20	8,193,496 20	7,439,937 77	753,558 43

(Signed) WILLIAM SIMMONS, *Acct. War Department.*

War Department, Accountant's Office, Dec. 30, 1812.

Mint Establishment.

The following report of the director of the Mint of the United States, was laid before congress by the president of the United States, on the 5th inst.

Mint of the United States, Jan. 1, 1813.

SIR—I have the honor of laying before you a report of the operations of the mint for the last 12 months. From the statement of the treasurer herewith transmitted, it will appear that during the above period there have been struck at the mint.—In gold coins 58,037 pieces amounting to $290,435—In silver coins 1,628,059 pieces amounting to $814,029 50-100—In copper coins 1,075,500 pieces amounting to $10,755—Making in the whole 2,761,646 pieces of coin, amounting to $1,115,217 50-100.

The supply of gold and silver bullion still continues to be abundant, the deposits for coinage at this time in our vaults, amounting to upwards of half a million of dollars.

I have the honor to be, &c.

ROBERT PATTERSON.

[To the above is added a table shewing the coins struck in the several quarters of the year, of no general interest—Also a table shewing the "ordinary expences" of the establishment for the last year, amounting as follows—

For salaries	$ 10,100
Wages	7,661 85
Incidentals	2,547 51
Total,	20,309 36

Foreign Gold Coins.

By a letter from the secretary of the treasury to congress, covering a communication from the director of the mint, containing "the result of the assays of foreign gold and silver coins made in pursuance of the act of the 10th of April, 1806," the following facts appear—

That the gold coins of *Great Britain* and *Portugal* are uniformly of the same quality, and exactly the same as those of the United States. Their intrinsic value is 100 cents for 27 grains, or 88 cents and eight ninths of a cent per pennyweight.

The coins of *France* have nearly a uniform quality and are worth 87.43 cents per pennyweight.

Those of Spain vary a little in their quality, but are averaged as worth 84.12 cents the pennyweight.

East Florida.

Copy of a letter from the governor of St. Augustine to the governor of the state of Georgia.

ST. AUGUSTINE, 12th Dec. 1812.

SIR—It is only lately that your speech to the legislature of Georgia reached this place, otherwise your misrepresentations respecting the province of East-Florida, and the part you have acted in that infamous aggression on a friendly power, would not have remained unanswered until now. It has been a prominent feature in the conduct of all, who, like yourself, have taken an active part in this scene of iniquity, to deprive us of the means of undeceiving the American people, by interrupting our communication with Georgia; but truth will force its way in spite of all your arts, and however you may attempt to disguise your feelings, it is evident from your speech, that you are now tortured with the conviction that your infamous conduct is fully disclosed, even to the president, and that the world will soon know how very unworthy he deems you of filling the station of commissioner.

Your discourse, sir, commences by an explicit declaration of your hopes, that the general government had demurred on the immediate occupation of the whole province, as soon as the news of the revolution reached you: this declaration is of more moment than you are aware, as it gives us a key to many of your subsequent acts, when named the United States' commissioner. For the present, all argument on the subject of your fears, for the difficulty and distress that might result to the state of Georgia, in case of the rebels failing to gain their point, I beg to ask you, sir, if you yourself could seriously believe, what you were gravely stating to your legislature? Wherein had the province of East-Florida ever given the smallest cause of alarm, or what means did she possess of annoying the state of Georgia, to whom she had been a peaceable neighbor for twenty-eight years? No, sir, you dreaded nothing of this, but you had pre-determined the occupancy of the province in your own mind, and it was indifferent to you by what means it was brought about; truth or falsehood was the same to you, provided your end was attained.

On the same principles, your conduct as commissioner was predicated. "You sent," you say, "to St. Augustine, in compliance with the instructions you had received"—You sent what? I will tell you: You sent a letter, dated the 4th day of May, which was delivered by col. Cuthbert, on the 9th, and answered the same day: as you have not published your letter or the answer, I have communicated copies to one who will gratify the American people with a perusal of them, and enable them to judge betwixt you and the Spanish commander. "And a correspondence between the person then acting as governor and myself commenced, which, however, soon terminated in consequence," &c. Sir, there was no further correspondence with that person, than the letter mentioned and its answer, to which you never gave a reply, because it was unanswerable, unless you had dropped the mask. Col. Cuthbert promised, on his word of honor, to bring an answer in six days, and did not come; in the mean time the rebels were permitted, by the American troops, to distress the city, by capturing the fishermen and wood-cutters, within two miles of our walls: two days after the period col. Cuthbert was to have returned, these marauders were dislodged, and the American officer finding that some of the balls reached his camp, moved it back two miles; this you call keeping the ground; this purely defensive act, on the part of the Spaniards, with your usual regard to veracity, you are pleased to call "an experiment to remove the Americans, by force of arms, in preference to the slow mode of negociation;" but, sir, unless you can show that col. Cuthbert was already on his return to St. Augustine, when this event took place, your subterfuge will not avail you, and had he been even at the camp, at the time it happened, the explanation given you by governor Kindelan, in your subsequent correspondence, would have satisfied any man, who was not pre determined, as you were, to avoid all measures of accommodation. Your excellency must be aware, from what has been said, that I have seen your correspondence with that gentleman, I am therefore entitled to ask you, how you have ventured to assert to your legislature, that they would find, in the letters of the secretary of state to you, dated the 2d and 27th of May, the reason why the troops were not withdrawn, when you are conscious, that you never once mentioned the subject to governor Kindelan? That a governor may deceive his legislature, if they are credulous enough to take his *ipse dixit*, may be perfectly fair, for aught I know; but for an officer to state officially, what he knows to be unfounded, for the purpose of imposing upon his superiors, and prejudicing them against a foreign power, I know of no epithet in the English language, sufficiently strong to express the abhorrence we must feel for such a person. In the same class of rank and unprincipled imposition, I place, without hesitation, the picture you are pleased to draw of the situation of this garrison, and the mode of warfare carried on, for the purpose of alarming your fellow-citizens. At the moment I write, sir, there is more sobriety, and more subordination to legal authorities in St. Augustine, than in the town of Savannah; and, whatever alderman Charlton, and his town-meetings, may say to the contrary, we feel ourselves very superior to him and his mob of incendiaries. Our mode of warfare was forced upon us, for we did not seek it; you threatened to starve us, and you allowed your allies, the banditti, whom you unblushingly call patriots, to proscribe, by proclamation, the free people of color, who, you ought to know, form part of the militia in all Spanish colonies: after such conduct you have no right to prescribe to us, what arms we are to make use of; as well might the mid-night ruffian insist upon your laying aside your blunderbuss, and meeting him on a footing of equality with pistols; retrace your steps, withdraw from our country, and you have nothing to fear from our ***** troops; but the Indians you say—well, sir, why wantonly provoke the Indians, if you dislike their rifle and tomahawk? Gen. Matthews told Paire, in the square of Latchuo, that he intended to drive him from his land. M'Intosh sent a message to Bowlegs, another Indian chief, that he intended to make him as a waiting man; the Florida convention partitioned their lands amongst their volunteers, as appears by a certificate in my possession, signed by director M'Intosh; the Indian trade was destroyed by you and your friends, and they found that, from the same cause, they were to be deprived of their annual presents. These, sir, are the provocations about which you are silent. What are the outrages introduced into your speech with so much solemnity of diction? The murder of a youth, whose father was engaged in the Florida rebellion. The province of East-Florida may be invaded in time of profound peace, the planters ruined, and the population of the capital starved, and, according to your doctrine, all is fair; they are a set of out-laws if they resist, with such means as they have in their power. The Indians are to be insulted, threatened, and driven from their lands; if they resist, nothing less than extermination is to be their fate; but you deceive yourself, sir, if

you think the world is blind to your motives; it is not long since the state of Georgia had a slice of Indian lands, and the fever is again at its height. Is your excellency altogether pure—does not the name of GUNBY bring a blush upon your cheek? Does it not remind you that your character is in the power of all the persons privy to the bargain?

Governor, I now take my leave of you; what I have said is more for the purpose of unmasking your apparent patriotism, than from any expectation of its influencing the determination of Congress.—Whatever assurances you may have received from the president, of his solicitude to "act with decision," if authorised by that body, we flatter ourselves, that it possesses too much virtue, to permit an act of injustice, which must stamp the American name with infamy. The nomination of gen. Pinckney is an assurrance to the contrary, as we are convinced, that he never will lend his name to authorise an action that might disgrace his fair character.

I remain, your excellency's, very obedient servant,

BENIGNO GARZIA.

Governor Mitchell, State of Georgia.

Copy of a letter from Governor Mitchell to the Governor of St. Augustine.

ST. MARY'S, 4th May, 1812.

SIR—The President of the United States has commissioned me to communicate with you on the transactions which have recently taken place in East-Florida, and in which the forces of the United States have been used, and I am authorised to assure you, that these transactions were not authorised by the government.

I hasten to make this communication under the fullest confidence that it will be received as evidence of the friendly disposition of the government of the United States to that of Spain, and of their desire to maintain and preserve, uninterrupted, that harmony which has so long subsisted between the two nations.

I send my aid de camp, colonel Cuthbert, to you with this letter, who will, if you desire it, wait for, and bring me your answer, which I have to request in writing. In the mean time, if you are disposed to make any verbal communications to him, with the view of conveying to me your sentiments [in that way,] on any point regarding the business upon which he is sent, you may have reliance upon his honor in executing your wishes in that respect.

I am, sir, with high consideration, your very obedient servant,

(Signed.) D. B MITCHELL.

To the governor of East-Florida, in St. Augustine.

Translation of the Governor of St. Augustine's answer to the foregoing.

MOST EXCELLENT SIR—This day I received by your aid de camp, colonel Cuthbert, your letter dated in St. Mary's, Georgia, 4th instant, by which you are pleased to inform me, that you are commissioned by the president of the United States to communicate with me on the subject of the transactions that are taking place in this country, in consequence of the active part taken by the regulars of the United States, which proceedings have been disapproved by the government, as it is desirous of maintaining the good understanding that has subsisted so long between the two nations.

Spain has always endeavored to give proofs of her good faith by a scrupulous fulfilment of her treaties; she therefore never could have imagined that her province of East Florida, under my charge, would have been exposed to the insults she has suffered. The public papers of the United States having announced the disapprobation of the hostile conduct of general Mathews and commodore Campbell, I flattered myself that the United States troops would have been withdrawn ere now:—*until that takes place*, I can hold no treaty, and in the mean time, protest, as I have verbally informed colonel Cuthbert, against whatever may happen, as I do not acknowledge any other authority on this side of the dividing line, marked out by both nations, in their treaty of friendship, limits and navigation, dated 27th Oct. 1795.

God preserve you many years.

9th May, 1812.

(Signed.) JUAN JOSE DE ESTRADA.

Governor Mitchell, State of Georgia.

Our Naval Victories.

To relieve the *sombre* complexion of the REGISTER, loaded with political matter, we gladly devote a part of this number to the highly interesting and amusing details of the late fetes at *New-York*, in honor of our invaluable tars—IMPRESSMENT MUST CEASE.

NEW-YORK, January 4, 1813.

In addition to the other testimonials of approbation and joy for our late naval victories, that have so well comported with the dignity and opulence of our city, we are proud to record the particulars of a fete which reflects honor upon the taste of the designing artist, upon the exertions and arrangements of the managers, and likewise upon the public spirit and liberality of the citizens. On Thursday evening last a ball was given to the commanders and officers of our victorious frigates, which for splendor of decorations and brilliancy of company has never been equalled in this country on any public occasion. The city assembly room was ornamented with transparencies, and by a profussion of colors displayed in a most beautiful and tasteful manner. At one end of the room was a large transparent painting divided into three compartments; the left represented the *Guerriere* on fire, and the *Constitution* majestically sailing from her; the centre was appropriated to the capture of the *Macedonian*, and the *Briton* was seen, with his topmasts gone, about to confess the superiority of American tars; the right exhibited the most gallant action of the three; the *Wasp*, having lost her topmast, dealing her destructive fire upon the *Frolic*, just before (having lost her masts by the board) the latter struck to an inferior force. The opposite end was a transparency representing the bald eagle, supporting, by ribbands passed through his beak and over his extending wings, three civic chaplets: in the centre chaplet was described "*Hull* and the *Guerriere*," in the left "*Decatur* and the *Macedonian*," and in the right "*Jones* and the *Frolic*." The triumphant emblems of America's power and majesty, was a production of Mr. Holland's happiest genius; every eye that beheld it confessed that the artist had felt the grandeur of his subject, and that his mind had well seconded the powers of his pencil. The large side window was occupied by an opaque picture of an eagle supporting a label inscribed "*our children are the property of our country.*" This inscription is a toast of com. Decatur's venerable parent, at a dinner given by the citizens of Philadelphia, in commemoration of the burning of the frigate Philadelphia by his son and gallant comrades in the Intrepid. The flags of all nations were attached to masts which were placed round the room, and formed a line in the centre between the chandeliers, where we remarked some beautiful Portuguese colors, whose white grounds and superb central ornaments most happily relieved the darker flags on the sides. The

masts were covered with laurel and ever-greens, and festoons of laurels, and American pendents connected the whole. The flag-staves reached the ceiling, and wherever the eye was directed it encountered the ensign of some nation. The appearance of the whole was highly picturesque and animated, and the adjustment of the ornaments was a favorable evidence of the artist's skill and taste. The supper room was intended to appear like the cabin of a ship of war, every part of the walls being covered by a flag or a transparency. At the upper end was a large transparency representing *Columbia*, an armed female, extending the hand of encouragement to two half-naked boys, who were hauling to shore a ship of war, on the top-mast of which a scroll was entwined, inscribed "*sailors rights;*" and *Fame*, with delight, proclaiming to the world the new constellation of republican valor, "*Hull, Jones* and *Decatur.*"

At the lower end, another transparency exhibited an infant Hercules roused from his slumber by the hostile approaches of two serpents, and crushing them to death with hands that had not yet learned their full use. At the upper end on the left side, was another transparency of an eagle resting on a sword, to which was suspended the resolution of congress to present to "lieutenant Decatur a sword, and to the officers and crew of the ketch Intrepid, two months pay, in consideration of their having burnt a Tripolitan frigate of 44 guns." Lower down on the same side, was a large transparency of an eagle rejoicing over a scroll, inscribed "*Philadelphia frigate, Macedonian frigate.*" Opposite was another of "*Jones* and the *Frolic*," in a knot of a cable with a rudder, anchor, cannon and other naval emblems: higher up and opposite the resolution, was a sixth, of "*Hull* and the *Guerriere*," similarly included, and supported by similar and different emblems. In the centre of the room was a naval pillar, supporting the four colors that extended to the corners, and one immense standard which formed a canopy over the guest's table. At each corner was a similar pillar, and from these, flags, pendents and ever-greens were carried in every direction, and on each side of all the pillars was attached the painting of a stern of a ship, which decided their character. On no occasion in this country has so large a number of beautiful and elegantly dressed females been seen; nearly 300 ladies sat down to supper, all of whom were splendidly dressed. The supper was plentiful and elegant, but owing to the smallness of the room no gentlemen (excepting guests and the managers) were permitted to enter whilst the ladies supped, so that the *coup d'œil* was beautiful beyond description. Among the guests were commodore and Mrs. *Decatur*, captain *Hull*, lieutenant *Nicholson* and general and Mrs. *Armstrong*. The expectation of a fair wind that evening, prevented the officers of the United States frigate from honoring the company with their presence, which, as well as the absence of captain *Jones* and his officers, was much regretted. This splendid entertainment was conducted with remarkable regularity, and too much credit cannot be given to the managers and their assistants, while Mr. Holland, the artist, deserves every expression of praise and admiration for his decorations; nor must Mr. Gibson and Mrs. Knight be passed over in silence.

[*National Advocate.*

SAILOR'S DINNER.

January 8.—Yesterday about 2 o'clock, P. M. the gallant seamen belonging to the frigate United States, were landed at the New Slip, about four hundred, very neatly dressed in sailor's habit; and preceded by a committee of the corporation, marched in procession through Pearl-street to Wall-street, and through Wall-street to the City Hotel in Broadway, where they partook of a very excellent dinner in the assembly room, which was decorated in the same manner as at the grand naval dinner given on Tuesday the 28th ult. We understand that the boatswain of the frigate United States presided, and did the honors of the day very respectably.

The corporation and the gentlemen who composed the committee of the late grand naval dinner dined together in the tea room.

During the procession the American colors were displayed, a complete band of music attended, the streets were crowded with citizens, and loud bursts of applause to the gallant defenders of the country were echoed and re-echoed from every quarter.

After the procession had entered the assembly room, the following address was delivered by John Vanderbilt, jun. esq. a member of the corporation.

"*Brave American Tars,*

"The corporation of the city of New-York, have ordered you this entertainment.—It is given as a tribute to your valor displayed in the capture of the British frigate the Macedonian.

"Behold yonder miniature of your gallant achievement, See yourselves entwined in wreaths of laurels, with the brave *Hull*, and *Jones*, and their *valiant crews.* Emblems of our gratitude—tokens of honor which alone belong to the brave.

"The burst of applause which resounds from Georgia to Maine, and the shout of your victory, proclaimed in the castle and the cottage, causes us to mingle our emotions of joy with the voice of every true American; and hail you here as welcome guests.

"The mistress of the ocean, boasting of her power, challenging to single combat and confident of her superiority, has thrice been vanquished.

"You have taught her a lesson, that coming in contact with the hearts of Yankee oak, they were not encountering the vassals of an European tyrant.

"Remember then, ye valiant Tars, that you were rocked in Freedom's cradle; enlisted voluntarily under your country's banners.

"Not torn by a merciless press gang from your wives and children, and dear connections—but, fired with an ardent zeal for glory, and to assert the rights of your injured country, and punish the haughty foe, who dare arrogate to themselves, rights inherent to us, by the laws of nations, the laws of nature, and of nature's God.

"You have nobly vindicated your country's honor on the ocean—you have added new laurels to her fame, and your country receives it as a pledge that you are resolved to support her rights; and that her flag shall never be tarnished by cowardice, nor struck, whilst there is a shot in the locker.

"The laurels thus obtained by your bravery, shall ever be green in the remembrance of every true American, and whilst under the command of a *Decatur*, whose tried valor and skill are manifest, (not only in the late glorious conflict, but also, who made the bloody Turk douse his colors in disgrace,) you will always be sure of victory.

"Go on then as you have begun, in the path of valor and duty. Your country's reward is at hand; and may every American Tar, animated by your example and success, go and do likewise."

To which the Boatswain replied nearly in the following words:

"In behalf of my shipmates I return our sincere thanks to the corporation of the city of New-York, for the honor which they have this day done us; rest assured that it will be always our wish to deserve the good opinion of our countrymen." When the boatswain had finished this reply, his shipmates, in,

token of their approbation, made the room ring with three hearty cheers.

At this moment the transparent paintings exhibiting our three glorious naval victories, were suddenly displayed by the dropping of the canvas, which before had concealed them. It is impossible for pen to describe the effect which it had upon the minds of our astonished sailors; their admiration was expressed by repeated huzzas, and enthusiastic acclamations. Silence was in a few minutes restored by the boatswain's whistle, when the whole crew, to the number of 400 and upwards, commenced their attack upon an excellent dinner, which was soon demolished, and in such a manner as left no room to doubt *"that they could have done much more, if more had been required."*

After dinner the boatswain piped for silence, when the president gave the following toast:

American ships all over the ocean.—3 cheers.

Com. Decatur shortly afterwards entered the room accompanied by his first lieut. Mr. Allen, and was received by the seamen in a manner that evinced the affection and delight with which they beheld their brave commander—after remaining a few minutes, the commodore gave as a toast,

"Free trade and no impressment."—9 cheers.

By Mr. Allen.—"Captains Jones and Hull and their brave crews."—9 cheers.

After the commodore retired, the president gave,

Commodore Decatur and Mr. Allen.—9 cheers.

A variety of volunteer toasts were given by different seamen in true nautical style.

At 6 o'clock, at the request of the managers of the theatre, the jolly tars proceeded in a body to that place of amusement, in good order, where the pit had been exclusively devoted to their accommodation. The front of the theatre was illuminated, and exhibited a transparency of the engagement between the United States and Macedonian. The entertainments consisted of *"Fraternal Discord;"* a patriotic sketch, called *"America, Commerce and Freedom;"* and *"Sprigs of Laurel."*

We do not recollect ever seeing the theatre so crowded. The pit was entirely occupied by the gallant crew of the frigate United States, who behaved with the utmost decorum. *Mer. Ad.*

THE FINISHING COMPLIMENT.

Jan. 8.—Yesterday being the day on which the corporation gave their *public dinner to the crew of the United States*, they landed at the New Slip at about half past 2 o'clock, and accompanied with their own band of music, proceeded in pairs through Pearl-st. up Wall-street to Gibson's hotel, where an excellent dinner was prepared for the occasion. The streets were lined with ladies and gentlemen to witness the appearance of men who had so nobly fought and triumphed in their country's cause. But when they approached within a hundred yards of their place of destination, it was with difficulty they could make any further progress, so great was the concourse which the occasion had drawn together. Carriages of every description, carts and waggons, had collected in the streets and were covered with people, till they resembled a hive of bees before swarming. The band at the door continued playing until the whole crew, about 400, had entered, and had been introduced to their seats in the same elegant room where their officers had dined before, and fitted up in the same fanciful and appropriate manner. On this occasion, the gentlemen composing the excellent band of the 11th regiment, volunteered their services, with gen. Washington's old trumpeter among them; and they were not backward in greeting them to their hearts content with our best national airs, playing in a manner that would have done credit to any professional orchestra. At the sight of the transparencies representing the three naval victories, which burst upon their view at the sudden unfurling of the main sails, their joy was extacy, and repeated huzzas accompanied by the shrill whistlings of the boatswain's call, made the room ring again. Directly afterwards the word was given to *fall to!* and for one hour the most obstinate unbeliever in perpetual motion, would have been completely gravelled. Soon after dinner, the boatswain piped *all hands to silence*, and the gunner informed them by his speaking trumpet, that the commodore was in the house and would shortly appear, when nine cheers would be expected. He entered and took his stand at the west end of the room under the transparencies, when the cheers were given, every man standing on tiptoe and flourishing his glazed hat over his head in a manner peculiar to the true sailor. Many an appropriate and many a hearty toast was given, and some of them in language that could not be mistaken by the dullest present. On the whole, every thing went off extremely well, and at the proper hour most of them pushed off for the theatre, where the managers had liberally appropriated to them the whole pit.

The avenues to the house were almost literally blocked up, so that admittance was scarcely practical. Every body seemed desirous to see how such a body of sailors, coming directly from a jolly dinner, would behave. The house was filled to overflowing in every part of it—not a nook or corner but what had its occupant. The pit was not quite so full as the rest of the house, owing, we presume, to some of them having got a little bewildered when they left the hotel, so that they could not very readily find their way to the park, and some having got so far north into the *Gulf Stream* that they could not alter their course in time to get back to the theatre before the fall of the curtain. There were, perhaps, two-thirds of them in the pit, the gunner, with his speaking trumpet, took his stand in the centre of the middle bench to command silence when necessary, and the faithful boatswain stood beside him with his silver call to second his commands; on each side and in front, the American flag waved in proud triumph. They were much elated at Yankee Doodle, and three hearty cheers testified their approbation of Mr. Perrossier's efforts. After some time their commodore entered and took his seat in the third box from the stage, between general Armstrong and lieutenant Allen—on sight of him the crew rose and gave 12 hearty cheers, with all their might.

At length the play, instead of being a spectacle began, but they paid little or rather no attention to it, for they could not understand it without a much greater exertion of intellect than they were disposed to make. The boatswain once or twice roused their spirits, which seemed about to flag, by an inspiring blast of his whistle, rather inopportunely as respected the play, but not so, as respected his comrades, who always rose and gave three hearty cheers. But when Mrs. Darley entered as Julia Bertram, there was at first a dead silence, at length several voices were heard from different parts of the pit. *"Oh! what a pretty, pretty girl!" "How I should love her!" "How I do love her!"* But as soon as she went off, they fell talking among themselves and huzzaing at the boatswain's whistle. Towards the end of the piece their attention was caught by Jack and the Captain, and they applauded several scenes with judgment and great glee. After the play their highest gratification began. The view of the sea, of the transparency of the engagement between the United States and Macedonian, of the descending

genius of America, of the temple of naval glory rising out of the ocean, excited lively sensations and were highly applauded.—The letter dance by the three children, who surprised them by their agility, and the neatness and dexterity of their steps, drew forth still louder applauses; but when they again appeared bearing in their hands separate letters, which being joined, produced in transparency, HULL, and on a second JONES, and on a third DECATUR, their sensations were unbounded, their huzzas almost endless, and the boatswain stunned the house with his call which he played as skilfully as loud.—After this, Mr. M'Farland came out in the character of a clown and sung the following song:

YANKEE FROLICS—A NEW SONG.

No more of your blathering nonsense,
'Bout the Nelsons of old Jonny Bull;
I'll sing you a song, 'pon my conscience,
'Bout Jones, and Decatur, and Hull.
Dad Neptune had long, with vexation,
Beheld with what insolent pride,
The turbulent, billow wash'd nation,
Had aimed to control his salt tide.
Sing lather away jonteel and aisy,
By my soul, at the game hob-or-nob,
In a very few minutes we'll plase ye,
Because we take work by the job.

There was Dacres, at vaunting and boasting,
His equal you'll seldom come near;
But Hull, betwixt smoaking and roasting,
Dispatch'd his proud frigate Guerriere!
Such a treatment, to him, was a wonder,
Which serv'd his proud spirit to choak;
And, when to the bottom our thunder
Had sent her, we laugh'd at the joke.
Sing lather away jonteel and aisy,
Brave Hull, at the game hob-or-nob,
Is the boy that will surely amaze ye,
So well he can finish the job.

T'other day, worse than gout, fit, or cholic,
The Wasp, with Rodgers, Biddle and Jones,
So terribly stung the poor Frolic!
As left her—but bare skin and bones.
She struck, what could she do better?
For time, there was none to delay,
Indeed, it must terribly fret her
To see she could not run away.
Sing lather away jonteel and aisy,
Brave Jones at the game hob-or-nob,
Is the lad that will surely amaze ye,
So well he can work by the job.

Now, to augment our brave little navy,
And add to the strength of each state,
Decatur, without sauce or gravy,
Has dress'd Alexander the Great! *
By my soul, to prevent further trouble,
And save a disgraceful downfall,
Since they find all resistance a bubble,
They'll strike without fighting at all.
Sing lather away jonteel and aisy,
Decatur to play hob-or-nob,
Will in seventeen minutes amaze ye—
Huzza! 'twas a quick finished job.

We leave the reader to guess the effect. Cries of *encore!* were incessant; nothing else could be heard; no further proceedings permitted, until he returned to repeat the song, which he did in a few minutes in a sailor's dress, amidst the loudest shouts of applause. In the meantime, a naval column rose from the stage, surmounted with the full length likeness of commodore Decatur, and the names of the three commanders engraven in capitals on its base; which enabled him to add to the effort of the song. Mr. Darley then sung Poll of Plymouth, in an excellent style, and Mr. M'Farland concluded the whole with a sailor's hornpipe; which, making due allowance for bulk and weight, was very well executed.

N. Y. E. Post.

The jail of Columbia, New-York, was, about the middle of last month, entirely freed of prisoners, either on criminal or civil process. This county, by the census of 1810, contained 32,390 inhabitants. There is no parallel for this in any country but the U. States; and the mere mention of the naked fact is worth a volume of speculations.

* The Macedonian.

Events of the War.

MILITARY.

On the 8th ult. gen. Harrison with detachments from the Pennsylvania and Virginia lines, arrived at Upper Sandusky. The following munitions of war from Pittsburg have also arrived at Upper Sandusky—viz. Five 18 pounders; eight 12 pounders; six 6 pounders; two 5 1-2 inch howitzers. The residue of the Virginia troops under the command of gen. Leftwich, will leave Delaware for Sandusky in a few days.

General *Harrison* arrived at Chilicothe about the 26th ult. to consult with governor *Meigs*, it is stated, on business of importance. The *Sciota Gazette* informs us that he will not accept the commission of a brigadier-general in the United States army, but continue the campaign as major-general of the Kentucky quota, after which it is his intention to retire into private life. He has resigned the government of the Indiana Territory, in a very handsome letter to the secretary of state. We trust the services of this beloved man, uniting in himself, the entire confidence of the western people; whose prudence, patience and perseverance, has given security to the frontiers, threatened by the most formidable combinations of *white* and *red* savages that ever were known, will not be lost to his country.

One hundred waggon loads of provisions have been sent from Erie to meet Harrison's army at the rapids of the Miami. We see nothing in the west like going into winter quarters.

We have the pleasure to learn that the patriotism of the western volunteers is steady, continued and invincible. They cheerfully bear their privations without a murmur, and always ready in season and out of season to perform any duty required. They have no "constitutional objections" against proceeding to *Canada*, but all pant for the time to arrive when humbled *Malden* shall atone for *surrendered Detroit*.

The recruiting service goes on with great activity, in general. A new spirit pervades the country. In *Baltimore*, several able men are daily added to the ranks.

The *Democratic Press* states that general *Hull* is to be tried by a court martial at *Philadelphia*, to open on the 1st of February.

A regiment of volunteers is raising in *New-York* for the defence of that city. At a late parade they turned out 1006 men, enlisted for one year, under the command of col. *Sticher*, all well clothed, with arms and accoutrements in complete order. The recruiting continues, and it is intended to complete the number of 1600.

An army list.—A complete army list has been desired by many of the readers of the *Register*. As yet, though exertions have been made for the purpose, it has got been obtained. It will not be neglected.

It appears that the whole country on the borders of the lakes has been uncommonly unhealthy during the latter end of the last autumn; and that, in common with others, some of the soldiers have died.—The mortality among the troops, *as the custom is*, was prodigiously magnified and industriously propagated, to check the recruiting service, and palsy the exertions of government. We are so well used to these things, that, by looking at the quarter they come from, we at once know their worth—but several of the surgeons of the army, less callous than we to such tales, have condescended to refute the falsehoods published, and to state the general attention and ample supplies that have been paid to the

soldiery in their afflictions; and that they are now as healthy as could be hoped for.

The various movements towards and about the capital of *East-Florida* indicate decisive measures.—Our forces in the neighborhood of *St. Augustine* is constantly augmenting, and the army is very respectable.

A late *Halifax* paper says, that considerable quantities of cannon, powder, gun-locks, &c. have been seized in that town and its vicinity, which, there was reason to suppose, were intended for exportation to the United States.

To the Editor of the Buffaloe Gazette.

SIR—In the account which I gave, last week, of the proceedings of the 1st of December, I find I was under a mistake in stating that colonel Winder's regiment embarked three quarters of an hour before any other of the regular infantry.

I saw one regiment only, which I understood to be colonel Winder's, enter their boats at the navy yard. There lay adjoining a large number, and as I supposed, the whole of the other boats intended for the regular troops, and which were unoccupied for about three fourths of an hour. I have since learnt that the boats for one regiment had been taken a little distance up the creek, and that colonel Parker's regiment, (then commanded by lieutenant-colonel Coles,) and colonel Winder's regiment embarked about the same time—one at the navy yard, and the other in the boats up the creek. It was a "mistake of the night," which in justice to colonel Coles' regiment, I most cheerfully correct. Yours,

December 21. P. B. PORTER.

FROM THE BOSTON PATRIOT.

However insignificant my signature may appear when put in competition with the names of sir Geo. Prevost and gen. Brock, yet I cannot silently see falsehoods told by one and given currency to by the other, generally received, without raising my voice in contradiction. In the official dispatches of those generals relating to the surrender of Detroit, and the prior transactions, it is stated that, in several attempts to get possession of the post at the river Canard, (the Americans) were uniformly repulsed with loss; this assertion, which I affirm to be totally false, I shall put down by a short but plain statement of facts, which do not rest entirely on my evidence, but can be corroborated by that of many officers of responsibility, who were present.

But one attempt was made by the Americans to occupy that post, and in that they were successful. A detachment consisting of one company of militia infantry, one of riflemen and 50 of the 4th United States regiment, under col. Miller, attacked the British guard at that place and completely routed them. The British were commanded by the gallant captain Claymore of the 41st, an officer distinguished by his polite and gentlemanly behaviour to gen. Hull after the surrender; who never attempted to make a stand within six hundred yards after being driven from the bridge, and although he had two pieces of artillery, totally forgot to use them. Several other reconnoitering parties were detached from the American camp, but in no instance were they ordered to occupy the bridge, nor did they ever retreat before the enemy, except in one instance, when a party of militia, under major Dennie were defeated by the Indians and at that time, and in that only did they suffer loss, (seven men being killed and wounded.) At every other they came off without the loss of a man. Wretched indeed must be the cause when such men as sir George Prevost and gen. Brock can descend to falsehood in support of it.

An Officer of the 4th U. S. Reg't.

OFFICIAL DESPATCH.

(CORT.)

Camp on Mississinewa, two miles above Silver Heels December 12, 1812.

DEAR GENERAL—After a fatiguing march of three days and one night from Greenville, I arrived with the detachment under my command at a town on the Mississinewa, thought by the spies to be Silver Heels town; but proved to be a town settled by a mixture of Delaware and Miami Indians.

About 8 o'clock on the morning of the 17th, undiscovered, a charge was made upon the town, when many fled over the river, other surrendered—those who fled made resistance after crossing, by firing across the river. Thirty-seven prisoners are taken, whom I shall bring in with me, including men, women and children—seven warriors were killed. After disposing of the prisoners, I marched a part of the detachment down the river, and burned three villages without resistance; I then returned and encamped on the ground where stood the first village attacked.

This morning about day light, or a little before, my camp was attacked by a party of Indians (the number unknown, but supposed to be between two and three hundred) on my right line occupied by major Ball's squadron, who gallantly resisted them for about three quarters of an hour, when the Indians retreated, after being most gallantly charged by capt. Trotter at the head of his troop of cavalry. We lost in the first action one killed and one wounded, (by accident the last)—in the action of this morning, we have eight killed, and about twenty-five or thirty wounded; not having yet gotten a report, I am unable to state the number exactly. The Indians have lost about forty killed, from the discoveries now made; the spies are out at present ascertaining the number. I have sent to Greenville for a reinforcement, and send you this hasty sketch. A detailed report shall hereafter be made known to you, noticing particularly those companies and individuals, who have distinguished themselves signally.

I anticipate another attack before I reach Greenville, but rest assured, my dear general, they shall be warmly received. I have a detachment composed of the bravest fellows, both officers and soldiers, in the world. Our return will be commenced this morning. Among our killed I have to deplore the loss of the brave capt. Pierce—lieut. Waltz, of capt. Markle's troop of cavalry is also mortally wounded. Their gallant conduct shall be noticed hereafter.

Yours with the greatest respect and esteem,

(Signed) JOHN B. CAMPBELL,

Lt. col. 19th reg. U. S. Infantry.

Gen. W. H. Harrison, com. N. W. army.

OHIO VOLUNTEERS.

Governor Meigs has transmitted to colonels M'Arthur, Findley and Cass, each, the following communication—

CHILICOTHE, Dec. 28th, 1812.

SIR—In compliance with a request of the general assembly of the state of Ohio, I transmit you the enclosed resolution.

This act I perform with much satisfaction, because the principles expressed in the resolution, I deem correct,—and know that the applause bestowed was truly merited by the *Volunteers of Ohio*—which, though unfortunate, were brave and have exhibited a laudable example of promptitude, courage and zeal, worthy the imitation of the whole militia of the state.

To the approbation of the general assembly, permit me, sir, to add my sincere commendation of the soldierly deportment of the corps under your command.

be pleased, sir, to accept the assurance of my consideration. R. J. MEIGS.

Resolution concerning the conduct of the corps of Volunteers from this state, during, and previous to, the late campaign under the command of general Hull.

WHEREAS it is deemed of vital importance to every republican government, that an ardent love of country should characterize its inhabitants: Whereas those are especially deserving of the gratitude of their country, who stand forth early, and with alacrity in its defence:—And whereas this general assembly has been advised of the promptitude and honest zeal with which the corps of volunteers from this state (lately under the command of general Hull) assembled, were organized and marched into the enemy's country, and of their bravery and general good conduct: Therefore,

Be it resolved by the senate and house of representatives of the state of Ohio,—That the thanks of this state are due to the officers and soldiers composing the said corps, for the patriotism, bravery and general good conduct which they evinced during their late arduous and disasterous expedition.

Be it further resolved, That the governor of this state, be requested to forward to each of the late commandants of the three regiments composing said corps, a copy of these resolutions; and that he take such further notice of them in his general orders as commander in chief of the militia of the state, as propriety may direct.

JOHN POLLOCK, *Speaker*
Of the house of representatives.
THOMAS KIRKER,
Speaker of the senate.

Attest.—R. OSBORN, *clerk of the H. R.*
C. A. NORTON, *clerk of the senate.*

NAVAL.

The British squadron off the Chesapeake have captured the very valuable brig Herald, from Bordeaux for Baltimore. The brig had encountered a gale of wind off the Western islands, in which she carried away her fore-top-mast, part of her foremast, and was otherwise crippled. She was becalmed to the leeward of the squadron, which came down upon her with a stiff breeze, and she did not take it until they were within 30 yards of her. She still attempted an escape, and had 150 shot fired at her before she struck!

The schooner Price, of Baltimore, has arrived at New-York from Nantz, with a very valuable cargo. On the second day out she was becalmed in sight of the Abercrombie of 74 guns, who manned 3 boats to take her. When the enemy arrived within musket shot, captain Staples presented them with the contents of his six carronades, and they immediately retired very well satisfied, without doing the least injury to the schooner.

The privateer ship America, of 18 guns, has returned to Salem after a 4 months cruise, in which she captured many valuable vessels. She was fifteen days in the *English channel.*

If any man can receive the following facts without emotion, his blood must be as cold as an adder's—on board the British frigate Romulus, cruising off Lisbon, were two Americans, who had been on board about two years, and always refused to enter: one of them was from Rhode Island, the other from New-Castle. Hearing of the war, they asked permission to be considered prisoners of war. They were replied to by an order from the captain to give them THREE DOZEN LASHES each; which being received, the New-Castle man submitted—but the Rhode Islander using some threatening language, was cast into irons, to be sent to England and tried for his life. These things were unblushingly communicated by the captain of the frigate to an American gentleman who has arrived at New-York. *"Will not God visit for these things?"*

Honors are heaped upon our gallant seamen in all quarters. A resolution has passed the house of representatives of Pennsylvania to present an appropriate sword to lieut. *Biddle,* late of the *Wasp,* with the thanks of the commonwealth, for his gallant conduct in the late engagement of that ship with the *Frolic.*

Captain *Dobbin,* at *Erie,* has four large gun boats in a forward state. They are fifty feet straight rabbit keel, seventeen feet beam, and five feet in the hold, to carry 24's and 32 pounders. These, with the seven vessels at the Navy Yard below Black Rock, rapidly fitting out by lieutenant *Angus,* will give a good account of the British on Erie when hostile operations re-commence.

The time for which the greater part of the crew of the late United States ship *Wasp* had entered, was nearly expired when they arrived at *Washington-city.* But as it was known that their late commander *Jones,* was to take charge of the *Macedonian,* they gave three cheers and re-entered the service.

We are indebted to the "*National Advocate,*" published in New-York, for the following interesting particulars. The frigate *United States* is 176 feet deck, and 42 feet beam; her gun deck is 6 feet 6 inches high; she has 15 port holes on a side, and carries 24 pounders on her main deck. The *Macedonian* is 166 feet deck and 42 feet 8 inches beam; her gun deck is 6 feet 10 inches high; she has 15 port holes on a side, and carries 18 pounders on her main deck. The latter is said to be the best model for a frigate, and was accounted the most completely fitted vessel in the British service. It further appears, that the British formerly used 24 pounders in their frigates but have abandoned them for 18's, as more certain in their fire and easier managed. Capt. *Carden,* while lying at Norfolk some time ago, observed to commodore *Decatur,* after examining both frigates, that he preferred his own—and also said, "when the American officers have had as much experience as *we* have had, they too will prefer the 18 pounders." *Decatur* did *very well* with his 24's;—and it is best to follow judge *Peters'* advice, and in all cases, "*let very well alone.*"

A subscription is opened in Virginia to build a ship of the line by private contributions and makes a happy progress. The legislature will also "lend a hand." It is proposed to call her the VIRGINIA. Would not the vessel be more aptly named the "*Negociator?*"

☞ We derive this hint from an excellent carricature print, published in *New-York,* called "*Decatur's negociation for American seaman,*" representing the frigate *United States,* in fine condition with all her sails set, *towing* the *Macedonian* under jury masts, into port, with her flag union down, and underneath the stars and stripes of Columbia—*distressed* and *prize.*

An American privateer, name unknown, appeared off the harbor of Arrowshot, in the gut of Canso, on the 28th of November. After the captain of a British government brig, of 10 guns, had ascertained her force (4 guns and 35 or 40 men) he took on board 20 volunteers, making his whole crew equal to 60 men, and in company with a letter of marque ship, went to take the privateer. The impudent yankee kept his post; and without attempting escape, beat them off three times, when they finally left him, being very much damaged, and heartily sick of the unprofitable contest.

The account that capt. *Dacres* had killed capt. *Stackpole* (see page 285) is contradicted.

It is confidently stated in a Charleston paper, that the British frigate *Southampton*, and the United States brig *Vixen* (a prize) have lately been shipwrecked upon the Cat Key, Bahama, Particulars not mentioned.

An old couple, 70 or 80 years of age, residing in Baltimore, who long have mourned their only son as dead, had a few days ago the *satisfaction* to hear that he lived, by a letter dated "*on board his majesty's ship Poictiers, off Cape Henry,*" where he could look upon his *native land* and hope to reach it! He was impressed many years ago.

The *British* government affords the most extensive protection to those *semi-American* vessels that seek it by *licenses;* though her naval officers, not understanding the matter, frequently vex them, and send them into port as prizes, where they are immediately released.

A gentleman arrived at *New-York*, lately on board the *Atalanta* frigate, was informed that four Americans, who were sent to England to be tried as deserters, had been cleared, and were then on board on their return to *Halifax*. He understood they were some of the seamen for whom com. *Rodgers* had detained twelve Englishmen as hostages. He states that the crew of the *Atalanta* were much alarmed at the idea of falling in with the *Essex*.

The American account of the capture of the *Macedonian* has been published at *Halifax*, without comment. We, therefore, suppose that *she* was not "defective."

Remarkable sailing.—The privateer brig Anaconda, arrived at New-London from Hart-Island, in eight hours, a distance of 120 miles, which is the shortest passage ever known. Capt. Shaler expected to take a few additional hands there, and in one or two days proceed on his cruise.—*N. Y. Col.*

A letter from Sackett's Harbor, dated the 28th of December, says—

"Our fleet has had heretofore entire command of the Lake, but the season prevents any further active operations for the present. The enemy has sufficient force to cope with it, if they had sufficient experience; they are devoid of both these requisites. The officers and men are in good spirits. The British fleet has gone into Kingston and laid up there.

It is probable we shall be attacked by the enemy when the navigation is sufficiently closed—we expect they will cross on sledges with a view of destroying our shipping. Should they cross, we will use every exertion for the preservation of the fleet. We shall rely principally upon the sailors and regulars, as there is no dependence to be placed upon the militia. I fear we shall not be able to oppose the force that may be brought against us, owing to the mortality that prevails among the troops; nearly one half our force was reported this morning as unfit for duty."

Richard Moss, quarter-master, died on board the frigate President, Oct. 16. A few hours before his death, he informed com. Rodgers that he had a wife and three children in Boston, dependent on him for support; and expressed considerable anxiety for them, knowing he had but little time to live. Soon after his death, at the suggestion of com. Rodgers, a subscription paper was opened, (which he headed) and was handed through the ship to the officers and crew for subscription, when upwards of *seven hundred dollars* were immediately subscribed by the generous and feeling officers and tars, for the relief of poor Moss's widow and children.

Address of thanks.—The father of the deceased John Archibald, who fell in the late gallant action on board the frigate United States, under the command of the heroic commodore Stephen Decatur, avails himself of thus publicly returning his most sincere thanks to the commodore for his humanity and benevolence to him; and also to his gallant officers and seamen (many of whom were personally acquainted with the deceased's father) for having contributed largely and honorably towards the support of the said deceased's three orphan children, which clearly demonstrates that the brave American seamen are possessed of both courage and humanity, superior to any other nation. May the same spirit that actuates the crew of the United States animate others to the like gallant conduct; and the American flag will soon reign triumphant by land and sea.

In the action with the United States, (says the N. Y. Columbian) an American seaman, who had been impressed into the British service, and was then on board the Macedonian, was shot with a round 24 lb. ball in the head, and his brains and blood dashed against a beam and the spar-deck of the ship. On our seamen going on board the prize, some of the comrades of the unfortunate tar pointed out the remains of the poor fellow, when each of the American sailors, and all who have since visited the spot, took a portion of the still remaining gore from the place, and swore they would preserve the precious relic to the end of their lives, as a stimulus to avenge the death of their brother on the despoilers of the ocean.

Yesterday morning, (says a New-York paper of the 9th inst.) during the preparations for the sailors' dinner at the city hotel, a lady in the house was delivered of a fine son, which was presented to the gallant commodore in the course of the day, and named *Stephen Decatur*.

The privateer schooner Revenge, of 3 guns, (one of them a 12 pounder) capt. Sinclair, of this port, has been taken and carried into Halifax, after a brave resistance. She was first attacked by a sloop that went out, manned with about 100 volunteers, and carrying 6 guns, for the express purpose of taking her; she maintained a running fight of four hours with the sloop, and finally beat her off. A three masted schooner or lugger, of 17 guns, was then sent out, which succeeded in taking the privateer, after a short contest. In the battle with the sloop, the Revenge had one man (by the name of Warner) killed, and 3 wounded. It is reported the sloop had between 40 and 50 killed and wounded. *Salem pap.*

The nautical skill of the officers of our navy has been before proven and acknowledged by the enemy. The instance now offered to the public cannot be ungratifying to the friends of a navy or to the friends of the officer who conducted the retreat.—The United States brig Argus, captain *Sinclair*, sailed from Boston in company with the United States. After parting with her consort she proceeded to the coast of Brazil, down the north coast of the country from St. Roquo to Surinam, thence he passed to the windward of the islands and in every direction between the Bermudas, Halifax and the continent.—After a lapse of 96 days, she has returned into port, having made five prizes valued at about $200,000.—During her cruise she fell in with a squadron of the enemy, consisting of six sail, two of which were of the line, one of them a remarkable fast sailer.—The favor of the moon enabling them to chase as well at night, as in the day, the chase was continued for three days, without intermission and under various circumstances, but the unremitted exertions of his officers and crew enabled him to elude the pursuit. Pressed on all sides by the number of the enemy and the baffling and unsettled state of the weather, the Argus was at one time within musket shot of a 74, and at another surrounded; the determined vigilance of captain Sinclair rescued her however from the difficulty.

They had joined in the chase an armed transport, with a view no doubt of distracting the attention and deceiving the chase, which being discovered, he bore down upon her and compelled her to clear the way. Such was the confidence of captain Sinclair in the sailing of the Argus, that during the chase although at one time so closely pressed as to be compelled to lighten his vessel, by throwing over his spare anchors and spars and deck boats, and starting the salt water with which his casks had been filled as the fresh had been used, and reduced to the last necessity of wetting his sails; yet did he preserve all his guns, and one night during the chase he found time to capture, man and dispatch a prize So close was they upon his heels that when he again made sail, two of the ships opened their batteries upon him.

The Argus was built at Boston about ten years ago, and has not since undergone any material repairs—she has been with a short intermission constantly in service, is admitted to be one of the finest vessels in the service of her class. During the late cruise we understand she complained a good deal, and cannot proceed to sea without repairs. The model of such a vessel as the Argus is certainly inestimable. *Nat. Intel.*

American Prizes.

WEEKLY LIST—CONTINUED FROM PAGE 302.

"The winds and seas are Britain's wide domain,
"And not a sail, but by *permission*, spreads!"
British Naval Register.

311. Brig Dart, 8 guns, of and for Port Glascow, richly laden with rum, cotton and cocoa, captured near the western islands by the America of Salem and sent into that port. The America had captured two other very valuable vessels, which are expected daily; and at the time the prize left her had upwards of 70 prisoners on board.

312. Ship Queen, 16 guns and 40 men, from Liverpool, with a cargo invoiced at from 70 to 100,000£ sterling, captured by the General Armstrong of N. York, but unfortunately wrecked off Nantucket.—She was, perhaps, the most valuable prize yet made. This ship was bound to Surrinam, and was bravely defended, the captain, his first officer and nine of his crew being killed before she was surrendered.—The Gen. Armstrong was not much injured by the contest.

313. Brig James and Charlotte, from Liverpool for St. John's, —— guns, with coal, dry goods, &c sent into Salem by the America of that port.

314. Schooner ——— laden with dry goods, &c. from Jamaica for the Spanish Main—valuable—sent into Savannah by the Liberty of Baltimore. The prize carries two guns and had thirty men—the privateer had only one gun and forty men.

Proceedings of Congress.

SENATE—MONDAY, JANUARY 11.

Mr. *Bayard* from Delaware, appeared and took his seat.

Mr. *Bradley*, from the committee to whom was recommitted the Mississippi bill, reported in part, "a bill to carry into effect the report made to congress in February, one thousand eight hundred and three, by James Madison, then secretary of state, Albert Gallatin, secretary of the treasury, and Levi Lincoln, attorney-general of the U. States, commissioners appointed in pursuance of the act entitled "An act for an amicable settlement of limits with the state of Georgia, and authorising the establishment" of a government in the Mississippi territory, in obedience to the provisions of the act supplemental to the last mentioned act. The bill was read and passed to a second reading.

HOUSE OF REPRESENTATIVES.

Thursday, Jan. 7.—The house as before resumed the consideration of the bill for raising an additional military force.

Mr. *D. R. Williams* with a view to propose certain amendments wished to re-commit it to the committee of the whole, which was agreed to. He then moved to amend the bill by inserting "such number of regiments not exceeding twenty, as the president might think necessary to the public service,"—his object was (as this bill goes to repeal the act for volunteers) that such number might be deducted from the amount as there were of volunteers now in the service. The motion was agreed to.—Mr. *H. Clay* moved that the time of enlistment should be for *three* years instead of *one*, negatived by a large majority. Messrs. *Bleecker* and *Tallmadge* then spoke against the bill generally, and the house adjourned.

Friday, Jan. 8.—Mr. *Jennings* after some pointed remarks on the state of our frontiers, proposed three resolutions having a view to the raising of 12 companies of rangers, and for compensating such of the militia and volunteers as should offer their services, &c. which were laid upon the table.

The house then resumed the unfinished business of yesterday. Mr *Wheaton* spoke against the bill. On motion of Mr. *M'Kee* it was so amended as to place the appointment of the other field officers as well as the colonels, in the president and senate.—Mr. *Clay* (the speaker) then spoke in favor of the bill, and after proceeding about an hour, declared himself exhausted, and obliged to suspend his remarks to a future opportunity. The committee then rose, reported progress, and the house adjourned.

Saturday, Jan. 9.—Mr. Cheves, from the committee of ways and means, among other bills reported a bill to increase the salaries of the secretaries of the war and navy departments (to a level with the two other secretaries) which was twice read.—The house resumed the army bill, as before—Mr. *Clay* finished his observations. Mr. *Quincy* made a few remarks in rejoinder, and Mr. *Sheffey* wishing to speak, it was agreed that the committee should rise, report progress and ask leave to sit again.

Monday, January, 11. The house resumed the army bill as before. Mr. *Sheffey* spoke against it, and Mr. *Robertson* in support of it. The committee obtained leave to sit again.

Tuesday, January 12. The house again resumed the army bill. Mr. *Emott* spoke against the bill and against the war—Mr. *Macon* replied.

Wednesday, January 13. After transacting some other business, the house proceeded to consider the army bill, as before—on the question, shall the bill pass?—Mr. *Cutts* spoke in reply to former remarks of Mr. *Quincy*, and in support of the bill. Mr. *Kent* followed on the same side. And Mr. *Randolph* succeeded in opposition to it. No decision.

[☞ On looking at the journal of congress for many days past, all persons will at least agree that the *freedom of debate* is allowed its utmost latitude. The discussion of the bill for creating an additional military force, has involved the *whole* policy of the United States, *foreign* and *domestic*, past and present. As every thing *has been said* that *can be said*, we trust, as a great deal is yet to do, that congress will begin to *act*; for their time is short.]

Thursday, Jan. 14.—After Messrs. *Stow*, *Calhoun*, *Key*, and *Cheves* had spoken, the additional army bill was carried—yeas 77, nays 42. Particulars hereafter.

Ohio Burr Stones.

Always delighted to notice the opening resources of our country, and happy with any incident that relieves our dependence for *foreign* supplies, it is with uncommon pleasure that we give place to the following important communication from a correspondent at CHILLICOTHE, well assured that his statement may be implicitly relied on.

"At a time like the present, when the injustice and aggressions of European nations have forced us into a war, for the maintenance of our rights and our independence, and when the establishment and fostering support of every species of domestic manufacture, is of the first importance, every discovery, which increases our knowledge of the internal resources of our country, and lessens our dependence upon foreign nations, will be viewed with sincere pleasure by every real American, as another link to the chain of INDEPENDENCE, which bids fair, at no distant period, to encircle the wide extent of our free and happy country.

"From considerations, like these, it affords me much pleasure to have it in my power to inform you that an extensive quarry of *American "Burrs"* has been discovered in this state, near the head of Racoon creek, about thirty-five miles, in a south-east direction, from this place. It is found in rocks, at the surface of the earth, large enough to make mill-stones of any size. From these rocks a great many pair have already been made, and taken to various parts of the state. Owing to the plenty in which these rocks are found at the surface, it has not yet been necessary to examine farther, but there can be no doubt, it is sufficiently extensive to warrant the belief that the quarry is inexhaustible. The mill-stones made at this quarry, bear a striking resemblance to the "*French Burrs*;" bearing, like them, a rugged and cellular appearance. The substance of the Racoon creek Burrs, appears to be formed of innumerable fossils of the hardest kind of flint, cemented, as if by the action of fire, into a mass, containing numberless cavities, filled with loose earth and sand. Upon striking a piece of steel along its surface, a stream of sparks follows the collision.—These mill-stones are found, upon trial, to be, not only *equal*, but *really superior* to the French Burrs; the flour being nicer, the stones running longer without dressing, and grinding a greater quantity in the same time. So much is general Worthington* convinced of these facts, that having procured a pair, to do country work at his merchant mill, near this place, he found them so much superior to his French Burrs, that he has actually *thrown the latter out*, and substituted in their place a pair of Racoon creek Burrs! From the great demand for these Burrs, they are sold at the quarry for from 80 to 120 dollars per pair."

THE CHRONICLE.

Gen. *John Armstrong* has been appointed secretary at war, and capt. *William Jones*, of Philadelphia, an old an experienced seaman, appointed secretary of the navy. Perhaps no two persons could be selected to bring into the executive more decision and strength, than these gentlemen.

Richard Skinner, Ezra Butler, James Fisk, Charles Rich, William Strong and *William C. Bradley*, Esqrs. republicans, have been elected representatives in the 13th congress of the United States by the people of Vermont, by an average majority of 270 votes. *It is said* that the reduced majority was not owing to an *increase* of "federal" votes, but to the *security* felt by the "republicans," who did not attend the polls.

A report prevailed in London about the 12th of Nov. that Mr. *Barlow*, our minister in France, had proceeded to the head-quarters of the emperor, to obtain the loan of 12 sail of the line and 36 frigates, for the use of the United States during the present war with Great Britain. The ministerial editors are so clamorous on this that we plainly perceive their fears. They talk lustily of "French influence" and the like, as is their business to do. We know nothing of this proposition but from the London papers, and these papers do not always speak the truth! But if *we* had the number of vessels the enemy assigns us by this project, we think a *negociation* might soon be opened from their cannon's mouth that would produce all we want—*a safe and honorable peace*, in a very short time. If *Great Britain* shall fight us into a naval power as she did into an independent nation, she will equally repent it.

The news from Russia is vague and uncertain. The generality of the accounts received by way of London, shew that the French have met with some severe checks. But the 25th bulletin places the matter in a very different view—yet some account this paper spurious. We expect some authentic intelligence for our next.

From Spain we learn that the British suffered greatly at the siege of *Burgos*, without affecting any good. The French have re-taken *Madrid*; lord *Wellington* had retreated to *Salamanca*, leaving his sick, wounded and cannon behind him. It was supposed he would retire to Lisbon: he had called upon the people of *Spain* and *Portugal* to rise *en masse*. From hence a tolerable idea may be formed of the real state of things in the Peninsula.

The Russians have made great exertions to engage the Turks on their side against France. For an offensive treaty of alliance they offered to renounce all the countries on the left side of the Pruth—but the Grand Turk turned a deaf ear to their propositions. The new Russian province south of the the Pruth, a part of Moldavia, has received the name of Bessarabia.

The diet of Poland, issued an order on the 6th of October for raising a new levy of 40,000 men, at the request of the emperor of the French.

The British king still lives, as usual.

A gentleman of Portsea (says a *London* paper) it is said, has submitted to government a shell, that at the immense distance of three miles will explode 20 balls of combustible matter of three inches diameter, and upwards of 1000 musket and pistol balls: these will be scattered on the horizon within a circle whose diameter is 1400 yards. The weight of the shell will be upwards of 2 1-2 cwt.

We understand (says a New York paper) that Mr. Joseph G. Chambers, of Luzern county, Pennsylvania, has invented a GUN, which he can charge in such a manner, that by a single operation of the trigger, it will discharge several loads in succession, (say 6 or 8) with a space between each sufficient to take another aim. This gun has but one barrel, and does not exceed a common gun in size. *N. Y. Pap.*

A London paper states that between thirty and forty American ships all richy laden with Baltic produce, are lying in *Gottenburg*, which port they made as a place of safety on hearing of the war.

The British have lately captured several of our vessels bound to and from France—but not so many as they used to do *before* the declaration of the war, though the trade has been more active.

*Senator in Congress.

THE WEEKLY REGISTER.

No. 21 of vol. III.] BALTIMORE, SATURDAY, January 23, 1813. [whole no. 73.

Hec olim meminisse juvabit.—Virgil.

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Legislature of Maryland.

HOUSE OF DELEGATES—TUESDAY, DECEMBER 24.

Mr. *C. Dorsey*, chairman of the committee of grievances and courts of justice, delivers the following report:

The committee of grievances and courts of justice, to whom the following order of the house of delegates, of November 18th, 1812, was referred—

"*Ordered*, That the committee of grievances and courts of justice be, and they are hereby instructed to inquire into the late riots and mobs in the city of Baltimore, and the causes thereof, with a view to ascertain whether there has been any culpable inertness or neglect of duty on the part of any of the civil or military officers of the state, or whether the defect is in the law, in order that proper remedy in either case may be applied"—

Beg leave to report in part, That in compliance with the order of the house of delegates, and under the exercise of a general power with which the committee of grievances are invested, they have inquired into the recent disturbances which have so agitated the city of Baltimore, and depressed the reputation of our state in the eyes of our sister republics, "the causes thereof, and the conduct of the civil and military officers in relation thereto." They find, from the testimony collected by your committee, and which accompanies the report, that the city of Baltimore has for a long time been considered the ardent advocate of every measure of the general government leading to the war in which the nation is now engaged.

That the Federal Republican, edited by Messrs. Hanson and Wagner, exercising a constitutional right of reviewing the measures of the national cabinet, arraigned, in glowing colors, the integrity and policy of the system which was to plunge into hostilities: That the exercise of this right produced a general spirit of intolerance against that establishment; and that leading and distinguished advocates of the administration, were so far forgetful of the spirit of our constitution, of the sacred protection which the freedom of the press required from their hands, and of their obedience to the sovereignty of the law, as to indulge in denunciations against the establishment, and to circulate the horrible impression, that the same course of strictures upon the measures of the cabinet, would, after a declaration of war, merit and receive the summary application of popular vengeance. The fitness and correctness of this doctrine were inculcated by the instrumentality of the democratic presses, having an extensive circulation amongst that description of persons the most likely to be impelled to excess, and the fit instruments of outrage.—That under the influence of the feelings excited by the above improper expressions of distinguished characters, and publications in the democratic papers, committees were organized by men of daring characters (only one of whom has been named to your committee) to obtain subscribers to a plan, having for its undisguised object, the demolition of the office of the Federal Republican. In this effervescence of the public feeling, and state of preparation, the congress of the United States declared war on the 18th of June. The editorial remarks in the Federal Republican on the ensuing day, reprobated the motives and expediency of the measure! The ministerial papers replied to those remarks in a style of bitterness and acerbity, well calculated to direct and secure the consummation of the promised threat of revenge. On Sunday rumors were afloat, and a belief entertained, that public meetings at Pamphelion's Hotel, the Apollo and Stewart's Gardens, had determined to silence the press. On Monday the paper appeared without remarks on the attitude which the congress had assumed; but still, well grounded apprehensions were entertained by Mr. Wagner, that his establishment and person were both endangered, and he took the precautionary measure of removing his book of accounts from the office. In the evening the plan of lawless outrage was commenced by a parcel of boys and a few men. The assemblage quickly augmented, bringing with them fire hooks, and every apparatus requisite for the destruction of the building. The operations of the mob were conducted with a regularity and subordination inducing a belief that the whole was the result of a digested system of operations, and terminated in a loss to the proprietors of three or four thousand dollars.

In this work of destruction a Frenchman was the most conspicuous and vociferous against the establishment, upon account of the general tone of its politics. A portion of the rioters, under a belief that Mr. Wagner was concealed in the old office of discount and deposit, attempted to enter the same: from this they were diverted by the zeal of two democratic gentlemen, who gave them assurances that Mr. Wagner was not there. The destruction of the house cost much labor and time: during which many stood by, and contributed nothing to the protection of the rights guaranteed to the citizens by our form of government. From the force of this remark, your committee with pleasure except the names of Edward Johnson, the mayor of the city, and judge Scott, who used every persuasive suggestion to divert the mob from their outrages; but who omitted to attempt a resort to the protection created by the vigilance of the legislature, in procuring a requisition for a military force, when they saw the civil authority inadequate to the security of Mr. Wagner and his property. From the office of discount and deposit a part of the mob proceeded to the house of Mrs. Wagner's father; and a committee, appointed by themselves, searched every apartment of the house; there an Irishman was the most noted for his savage threats. They next visited Mr. Wagner's own house, and used every stratagem which rage suggested, to hunt out the contemplated victim of their revenge. No efficient measures being adopted the ensuing morning by the constituted authorities of the city, to arrest the rioters, and to cause them to enter into the customary recognizance to keep the peace, they were emboldened, and sought for new victims; they collected in the evening, with a force almost incredible, at the house of one Hutchens, charged by them with using expressions derogatory to the character of general Washington. They demanded him, with expressions of rage evidencing a determination to sacrifice him. The mayor had prevailed on him to escape. To prevent any violence to his house, and to cause the rioters to disperse, it was suggested that the mayor and George E. Mitchel, esquire, then a member of the executive council, should enter the house and search it; this they did amidst the cries of Hutchens' children, and reported to the mob that he was not to be found. They then dispersed, with promises of future vengeance against him, and those who either should rally for his protection or for the preservation of the peace of the city. To the shipping, regularly cleared out according to the laws of the United States to unprohibited ports, and bearing the products of our soil, they turned their attention; and in their strength, by dismantling the vessels, they prohibited to the merchant the pursuit of wealth in the channels sanctioned by the government of his country. In the wantonness of their cruelty, the unfortunate blacks attracted their attention; and Briscoe, a free negro, charged with the expressions of affection for the British nation, has to deplore the sacrifice of his houses, (amounting to eight hundred dollars) by their unfeeling agency. An African church, erected by the piety of the well disposed for the improvement and amelioration of the blacks, became to them an object of jealousy; and rumors of a combination for its destruction, at length aroused the municipality of the city from its lethargy, and a patrole of horse, by overawing the turbulent, gave to this unhappy place the appearance of quiet.

Your committee have omitted to present to your consideration a variety of incidents, where private revenge sought its gratification under the imposing garb of zeal against the reputed enemies of their country; and where those citizens who have sought an asylum here from the oppression of their governments, attempted to gratify their embittered passions, by proscription of each other, the alledged causes of which grew out of the disturbances at home. To this source may be traced those convulsions of the city, where the United Irishmen and Orangemen where the most prominent. During this prostration of the civil authority, Mr. Wagner sought an establishment in the district of Columbia, where the Federal Republican was revived. Mr. Hanson, impelled by considerations of duty to his country, and believing that a decisive stand ought to be taken for the preservation of the freedom of the press, resolved on its re-establishment in the city of Baltimore. A right secured to him by the first principle and express language of our compact. Woful experience had taught him to believe, that the same spirit of intolerance which led to its first annihilation, would again manifest itself, by an attempt to prevent its re-establishment; and confidently expecting that a resistance on the first onset would lead either to the dispersion of the mob, or the interposition of the civil authority, and thus cause a recognition of his right to locate his establishment there; he organized, by the aid of his personal friends in Montgomery, a force for and a plan of defence, but not of aggression. In execution of this design he came to Baltimore on Sunday the twenty-sixth of July—his friends arrived on the same day; their arrival was known but to few. The means of defence and resistance, had been previously prepared and deposited in the house, with a secrecy and caution defying a suspicion of the object; and on Monday morning the Federal Republican was circulated amongst the subscribers, purporting to be printed at No. 45, Charles-street. This paper contained spirited strictures upon the lawless temper of the city, and the indisposition of the civil or military officers to discharge the respective duties of their office; and upon the executive of Maryland. It does not appear to your committee, that the state of preparation in which Mr. Hanson and his friends were, was known to the citizens generally, and that no acts were done by them, either calculated to excite irritation or apprehension of aggression in the minds of the citizens. Their course of conduct during the whole day evinced a determination to adhere to the original design, of avoiding all ostentation of preparation, and to act entirely on the defensive. During the day, information was communicated to these in the house, that an attack would be made; every precaution which prudence and humanity suggested was adopted, to prevent any occurrence which might attract the attention of the mob. At early candle light, the wicked and daring attempt to expel a citizen from his residence, or to involve in one common ruin himself and his property, was commenced, and continued, notwithstanding frequent and reiterated solicitations by the persons in the house to the mob, to desist and retire; and not until the windows were shattered, was even a fire or insti-

midation permitted from the house. At this, the mob dispersed; but shortly returned with a drum, and fire arms, and with an increased violence attacked the house most furiously in the front and rear. But the same spirit of forbearance animated its defenders. When a discharge of musketry wounded some of the assailants. Judge Scott hurried to this scene of uproar, and, with Mr. Abell, used every persuasive argument to induce the mob to desist, but with no success; his language and authority were alike treated with contempt. Every exertion which men invest of reason, and inflamed by passion could make, was made to destroy the defenders of the house. To execute this savage design, the door was again burst open, and a man by the name of Gales, the chief of the mob, shot dead as he entered. A field piece was procured by the mob, and elevated at the house.

While this bloody scene was acting before the house of Mr. Hanson, many well disposed citizens, alarmed for the peace of the city, and anxious for the preservation of the persons in the house, gathered at brigadier-general Stricker's; who, irritated by Mr. Hanson's return to the city, which might be the innocent cause of a requisition being made upon him by the civil authority, which would necessarily be attended with a responsibility, received some of the applications which were made to him, for the interposition of a military force, in a style well adapted to excite irritation; but still consented to obey any call which the magistracy should deem it expedient to make on him. But such was the intolerant spirit of the magistracy against that establishment, or such was their anxiety to avoid any responsibility for their official duties, that great difficulty, and much delay occurred in procuring two magistrates sufficiently devoted to the public good, and their oath of office, to sign the requisition. Major Barney, of the cavalry, before this, had received an order to repair to his general, which he obeyed with alacrity, and received from him a copy of the orders herewith submitted. Major Barney, with about thirty horsemen under his command, moved down between 1 and 3 o'clock to the house. The mob, apprehensive of an efficient resistance, were alarmed, and at his approach generally retired. But his conduct soon dispelled their fears, and gave rise to a belief among them that he was either unwilling, or incompetent to enforce their dispersion. Thus all apprehensions of the military or civil interposition being banished, the timed were emboldened, and the daring unchecked by any suggestions of a future accountability.

The mayor, the attorney general, general Stricker, and some other citizens distinguished by their political consequence, became the negociators between the gentlemen in the house and their vindictive assailants. This negociation terminated in an arrangement, that Mr. Hanson and his friends, should be conducted to the gaol, as a place of security, under a solemn pledge, that every possible exertion should be made for their protection and the security of their property.

A military escort was prepared, and a guard of unarmed citizens. A hollow square was formed, within which Mr. Hanson and his friends, accompanied by those who had promised them protection, and some other citizens, of the greatest political weight, entered; and thus, attended by hundreds crying for vengeance, and pressing on their destruction, they reached the gaol. During this agonizing march, when the ferocity of the mob excited a general belief among those who had confided themselves to the civil power, that their destruction would ensue before they should be put into the promised place of protection, frequent attempts were made to massacre them, by the throwing of stones, notwithstanding it endangered the lives of the political favorites of the mob.

Some of those who had been in the house at the commencement of the attack, attempted by various modes to insure a retreat; some were arrested in their flight by the mob; and the savage temper of this "many headed monster" displayed itself in the cold and deliberate manner in which it planned the execution of its captives.

Revolutionary France furnished the lawless precedent of exhibiting upon the lamp-post, by the irresponsible fiat of the populace, those who were supposed wanting in duty to the republic. A native of our country was seized on, and an attempt made to imitate the example set by the blood-thirsty Parisians. From the completion of this sanguinary deed they were prevented by a stratagem suggested by democratic gentlemen, inducing a procrastination until an appointed hour, when they repaired to the place of confinement, to drag forth their victim, before removed by the interposition and zeal of his friends.

After Mr. Hanson and his friends were placed in gaol, a general apprehension was entertained that the mob would, on the ensuing night, endeavor to force their prison, and glut their vengeance on the unarmed prisoners. The whole city was in a state of commotion; the criminal court was closed, and the anxious and inquiring countenances of the citizens, denoted the approaching tragedy, in which all the barbarities which ferocious men, unchecked by the wholesome restraints of the law, perform, would be exhibited. The prison was surrounded by groups of an infuriated mob, eternally demanding vengeance.

The weight of character, the necessary concomitant of wealth and political standing in society, was not generally brought into action to allay the excited feelings of the city; but, on the other hand, a belief was impressed that Mr. Hanson and his immediate political friends, were enemies to the country; that his visit to Baltimore was the consequence of an arrangement to insult and dragoon the citizens; that they were murderers; that they would avail themselves of a constitutional right to change the venue to an adjoinging county, and thus escape the punishment of their crimes. The Whig gave extensive circulation to these strictures. The general spirit of intolerance against the establishment, united with the occurrences of the day, and these excitements, produced an apathy among the well disposed, and gave an increased activity to the turbulent and vindictive.

The mayor and brigadier-general visited those confined in gaol, refused them arms for defence, and gave them solemn assurances that a guard would be stationed in and around the gaol, and that whatever power the civil or military could wield, should be given for their protection. Other citizens repaired to judge Scott's, and required that the military should be ordered out; and after a considerable delay, the requisition to brigadier-general Stricker was procured, who issued to col. Sterett, commanding the fifth regiment, to major Barney, of the cavalry, to col. Harris, of the artillery, the respective orders accompanying this report. It appears to your committee that whatever be the construction of the orders given to colonel Sterett, brigadier-general Stricker verbally forbid him to deliver out to the men under his command, ball cartridges. Of col. Sterett's regiment, this ordered out, but thirty or forty obeyed the call of their commander; this defection, in the opinion of your committee, may be traced to the united causes of indisposition to protect the persons in the gaol, an apprehension of immediate danger, of future proscription, and of the inefficient preparation under which they were ordered to march—of the cavalry but a few attended.

During these operations in Gay-street, it was known to those ferocious monsters who panted at the gaol for the blood of their unarmed fellow-citizens, that the military were ordered out. The mayor used every persuasive argument to induce them to disperse, and to effect that, gave them a solemn pledge that neither Mr. Hanson nor his friends should be bailed. These assurances, united with apprehensions of a formidable resistance from the military, produced from some a reluctant promise that the gaol should not be attempted. Some of the most daring had left the gaol, and repaired to see the operations of the force convening to arrest the completion of their horrid designs. At this unfortunate moment, an interchange of opinion took place between general Stricker and others, which resulted in a belief that the interposition of the military would not be requisite, and that if any should be required, the force collected would be insufficient; orders were given to dismiss the military—it was the signal for destruction. The mob collected with a savage impetuosity, and heedless of the feeble opposition formed by the intreaties of the mayor, they attacked the sanctuary of the prisoners—The outer door was opened by treachery; the inner doors yielded to their rage and force; they entered the room of the gentlemen; there a scene of horror and murder ensued; which, for its barbarity, has no parallel in the history of the American people, and no equal but in the massacres of Paris. The good, the venerable, the gallant general Lingan, whose early life was distinguished by his active and manly exertions to rescue his country from the controul of a British parliament; who was honored by the confidence of the immortal saviour of the nation, and who practised every christian virtue, was here overpowered by these sons of murder, and became the victim of their merciless ferocity. Seven or eight of the gentlemen were thrown in a heap, under an impression, entertained by these assassins, that they were dead. Some effected their escape by stratagem, or by the interposition of some protecting friend. One was detained as a subject for the trial of every refinement of torture which their fiend-like invention suggested. The humanity of certain medical gentlemen was exerted, and by their interposition, under Divine Providence, those supposed to be dead were restored to life and society. On the ensuing day a general terror prevailed throughout the city.

(To be continued.)

American Ingenuity.

Bridge over the river Schuylkill, at the upper ferry, erected by Lewis Wernwag, Engineer.

This bridge is interesting, from its being of new construction, and having an arch nearly one hundred feet longer than any bridge in Europe or America.

The following description is believed to be accurate:—

The bridge consists of two abutments, and one arch, extending across the river.

ABUTMENTS.

The eastern abutment is sixty feet front on the river, and forty feet thick—It is founded on a rock, and is about forty feet high.

The western abutment, with its wings, is built on 599 piles, driven through a frame containing two hundred and seventy-five thousand feet of timber, well connected, as well by the combination of its parts, as by iron bolts, weighing on the whole three tons. This abutment is sixty-two feet front on the river, and forty feet thick.

SUPERSTRUCTURE.

A single arch, whose chord is three hundred and forty feet three inches and three quarters of an inch—Versed sine, or rise from the chord to the apex, nineteen feet eleven inches—The curve formed by this arch is not, however, that of the segment of one great circle; but of segments of circles of unequal radii—Those of the longest radii being nearest the abutments, and the shortest at the apex.

The width of the superstructure, at the abutments, is fifty feet, and at the apex thirty two feet

The three ribs, extending across the river, from one abutment to the other, are set in cast iron head blocks, upon an offset in the wall, twelve feet above common high water mark. Their distance asunder, at the abutments is twenty-one feet; and at the apex thirteen feet one inch. Each of these ribs is composed of six small ones, in thickness six inches, and of the average depth fourteen inches.—The small ribs are placed on their edges, two in breadth and three in depth, and so formed as to be at the abutment equal to a solid mass, of timber, four feet deep and one foot thick, gradually diminishing in size, so as to be at the apex but three feet deep and one foot thick. They are prevented from coming into contact by one inch iron bars placed between them, six feet asunder, but are connected together by large iron bands also six feet apart, well secured, and susceptible of being drawn tighter as the timber dries, by strong screws. The foot ways are outside of the ribs.

The three large ribs are preserved in their proper relative situations by fifty-four cross ties, at the bottom of, and secured to the ribs, by strong iron stirrups; upon these ties, and between the ribs, are two hundred and thirty-two horizontal braces, laid in the form of latice work, so as completely to prevent any lateral motion. From abundant caution, however, strong iron bars, secured to the corners of the abutments, are extended in a horizontal direction diagonally, in several places through the ribs of the bridge.

Upon each of the ribs are twenty-nine king posts, set in cast iron boxes of a proper shape to receive them, and secured by iron stirrups embracing the rib and post. Upon the tops of these posts are truss ties extending the whole length of the bridge, and upon the truss ties are ties extending across the bridge, well secured to the king posts and truss ties.

The form and combination of the wooden work of this superstructure appears in every respect to be calculated for the most ample security; but the engineer has given it still more strength, by twelve iron bars, one and a half inches square, secured in the bottom of each abutment, and passing up through the great body of masonry to the top, and from thence to the top of the first king posts, thence descending by an angle of about 45° to the ribs, which they embrace—then from the top of the second king posts there are two iron bars, descending by a like angle to the rib which they embrace; and so in like manner from the top of every king post there are bars of iron descending in like manner to the ribs until they meet at the centre. By these the combination is better secured, and the weight thrown more towards the haunches of the bridge.

The king posts, truss ties, and cross ties, are secured in their proper places by iron bars, extending through the mass of masonry in the abutments to the top, and from thence through those timbers longitudinally and diagonally from one end of the bridge to the other.

The cart way at the entrance of the bridge is fourteen feet above the spring of the arch, and passes between the ribs at the apex, forming in its progress an angle with the horizon of about two degrees.

The ribs, the cart way, and the string pieces, form so many arches, which are all connected and secured by ties, braces, and bars of iron, in such a manner as to form one connected and combined whole, equal in strength, perhaps, to any thing that human ingenuity can devise.

All the timber in this bridge has been slit through the heart, so as to show any defect, and by being prevented from coming into contact are secured from the dry rot.

There is neither tenon nor mortice in the bridge, except a few to unite the king posts and truss ties.

The first stone was laid the 29th day of April last, and the superstructure is now so nearly finished that carriages have passed over it.

The weight of the wood in the superstructure has been ascertained by measuring it after it was dressed and fitted together, so as to find the number of cubic feet of each kind of timber—then several pieces of the same kinds of timber, of ascertained dimensions, were weighed, and their average taken for the assumed weight.

	cubic feet.	
Three ribs, chord 340 feet 3 3-4 inches, average thickness 3 feet 6 in. by 12 in.	3601	05
87 king posts, 15 feet long, and 1 foot sq.	1305	
3 truss ties, 343 feet long, and 1 foot sq.	1029	
84 braces, 18 feet 9 in. long, and 1 foot sq.	1575	
29 caps or cross ties, 36 ft. long, 8 in. by 12	696	
38 floor beams, 44 feet long, 6 in. by 12	516	67
54 cross ties, 44 feet long, 6 inches by 12	1188	
36 joists, 36 feet long, 3 inches by 12	324	
232 braces, (lattice work) 29 feet long, 5 inches by 6	1353	33
464 studs, 5 feet long, 5 inches by 6	483	33
4 large posts to support the ends of the roof at the abutments, 22 feet long, 20 inches by 7 1-4.	88	
Floor, 3 inches thick, 343 feet long, and 33 feet wide.	2572	50
Amount cubic feet	12,732	38

WEIGHT.

	Tons.	*cwt.*	*qrs.*	*lbs.*
Yellow pine, 3576 cubic feet, at 48 lb. per foot,	75	14	2	15
White pine, 10,993 do. at 44 do.	214	18	2	34
Oak, 162 do. at 60 do.	4	6	3	4
Weight of wood,	295	0	0	25
cast iron,	11			
bar iron, after it was worked up,	34	12	3	5
Whole weight of superstructure,	340	13	0	2
Add weight of iron bars passing through the masonry of the abutment,	6	10	0	12
Tons.	347	3	0	14

N. B. The king posts, braces, &c. are of unequal length, but their average length was taken.

American Gallantry.

[Though a very liberal notice has already been taken of the capture of the *Frolic* by the *Wasp*, we cannot refuse insertion to the following elegant article from the "*Port Folio*" for the present month.]

Under this title we have occasionally selected such incidents, in our military annals, as, from their minuteness, had escaped the view of the general historian; but which were calculated to excite the high and honorable feelings of patriotism. The present war has again awakened the energies of the nation; and already produced examples of signal intrepidity among our countrymen. It is, however, on the navy of the United States that our national pride, and our hopes of glory, at this moment repose. We have never been able to look without the highest satisfac-

tion on that fearless profession; the nursery of generous courage, and of high-minded patriotism—to whose followers every form of danger is alike familiar and without terror.

> Nor toil, nor hazard, nor distress, appear
> To sink the *seaman* with unmanly fear;
> Who from the face of danger strives to turn,
> Indignant from the social hour they spurn;
> No future ills, unknown, their souls appal,
> *They know no danger or they scorn it all.*

But we have no language to convey our admiration of the young and gallant spirits, who, in the first essays of their strength, have triumphed over the veteran science, and the disciplined valor, of the habitual conquerors on the ocean. They have retrieved all our disasters—they have shed new lustre on our arms, and sustained even in the midst of mortifying reverses, the loftiest tone of national enthusiasm. Their only anxiety has been to find the enemies of their country; and, wherever they have met them, their valor has rendered victory certain, whilst their skill has made it easy.

Devoted, as is this journal, to all that can add honor or distinction to the national character, it has no fairer pages than those which record instances of bravery like the following, the account of which we have rendered scrupulously minute and authentic.

The United States sloop of war the Wasp, commanded by captain Jacob Jones, was cruising in long. 65, W. and lat. 37, N. the track of vessels passing from Bermuda to Halifax, when on Saturday the 17th of October, about 11 o'clock, in a clear moon-light evening, she found herself near five strange sail, steering eastward. As some of them seemed to be ships of war, it was thought better to get farther from them. The Wasp, therefore, hauled her wind, and having reached a few miles to windward, so as to escape or fight as the occasion might require, followed the strange sail through the night. At day-break on Sunday morning, capt. Jones found that they were six large merchant ships, under convoy of a sloop of war, which proved to be the Frolic, capt. Whinyates, from Honduras to England, with a convoy, strongly armed and manned, having all forty or fifty men, and two of them mounting sixteen guns each. He determined, however, to attack them, and as there was a heavy swell of the sea, and the weather boisterous, got down his top-gallant yards, close reefed the top-sails, and prepared for action. About 11 o'clock the Frolic shewed Spanish colors; and the Wasp immediately displayed the American ensign and pendant. At 32 minutes past 11, the Wasp came down to windward, on her larboard side, within about sixty yards and hailed. The enemy hauled down the Spanish colors, hoisted the British ensign and opened a fire of cannon and musketry—this the Wasp instantly returned; and, coming near to the enemy, the action became close and without intermission. In four or five minutes the main-top-mast of the Wasp was shot away, and falling down with the main-top-sail yard across the larboard fore and fore-top-sail braces, rendered her head yards unmanageable during the rest of the action. In two or three minutes more her gaff and mizen-top-gallant-mast were shot away. Still she continued a close and constant fire. The sea was so rough that the muzzles of the Wasp's guns were frequently in the water. The Americans, therefore, fired as the ship's side was going down, so that their shot went either on the enemy's deck or below it, while the English fired as the vessel rose, and thus her balls chiefly touched the rigging, or were thrown away. The Wasp now shot ahead of the Frolic, raked her, and then resumed her position on her larboard bow. Her fire was now obviously attended with such success and that of the Frolic so slackened, that capt. Jones did not wish to board her, lest the roughness of the sea might endanger both vessels; but, in the course of a few minutes more, every brace of the Wasp was shot away, and her rigging so much torn to pieces, that he was afraid that his masts, being unsupported, would go by the board, and the Frolic be able to escape. He thought, therefore, the best chance of securing her was to board, and decide the contest at once. With this view he wore ship, and running down upon the enemy, the vessels struck each other; the Wasp's side rubbing along the Frolic's bow, so that her jib-boom came in between the main and mizen rigging of the Wasp, directly over the heads of captain Jones and the first lieutenant, Mr. Biddle, who were, at that moment, standing together near the capstan. The Frolic lay so fair for raking that they decided not to board until they had given a closing broadside. Whilst they were loading for this, so near were the two vessels, that the rammers of the Wasp were pushed against the Frolic's sides, and two of her guns went through the bow ports of the Frolic, and swept the whole length of her deck. At this moment Jack Lang,* a seaman of the Wasp, a gallant fellow, who had been once impressed by a British man of war, jumped on a gun with his cutlass, and was springing on board the Frolic; captain Jones wishing to fire again before boarding, called him down; but his impetuosity could not be restrained, and he was already on the bowsprit of the Frolic; when, seeing the ardor and enthusiasm of the Wasp's crew, lieut. Biddle mounted on the hammock cloth to board. At this signal the crew followed, but lieut. Biddle's feet got entangled in the rigging of the enemy's bowsprit, and midshipman Baker, in his ardor to get on board, laying hold of his coat, he fell back on the Wasp's deck. He sprang up, and as the next swell of the sea brought the Frolic nearer, he got on the bowsprit, where Lang and another seaman were already. He passed them on the forecastle, and was surprised at seeing not a single man alive on the Frolic's deck, except the seaman at the wheel and three officers. The deck was slippery with blood, and strewed with the bodies of the dead. As he went forward, the captain of the Frolic, with two other officers, who were standing on the quarter deck, threw down their swords, and made an inclination of their bodies, denoting that they had surrendered. At this moment the colors were still flying, as probably none of the seamen of the Frolic would dare to go into the rigging for fear of the musketry of the Wasp. Lieut. Biddle, therefore, jumped into the rigging himself, and hauled down the British ensign, and possession was taken of the Frolic, in forty-three minutes after the first fire. She was in a shocking condition; the birth-deck particularly was crowded with dead and wounded, and dying; there being but a small proportion of the Frolic's crew who had escaped. Captain Jones instantly sent on board his surgeon's mate, and all the blankets of the Frolic were brought from her slop-room for the comfort of the wounded. To increase this confusion, both the Frolic's masts soon fell, covering the dead and every thing on deck, and she lay a complete wreck.

It now appeared that the Frolic mounted sixteen thirty-two pound carronades, four twelve pounders on the main deck, and two twelve pound carronades. She was, therefore, superior to the Wasp, by exactly

*John Lang is a native of New-Brunswick in New-Jersey. We mention, with great pleasure, the name of this brave American seaman, as a proof, that conspicuous valor is confined to no rank in the naval service.

four twelve pounders. The number of men on board, as stated by the officers of the Frolic, was one hundred and ten—the number of seamen on board the Wasp was one hundred and two; but it could not be ascertained whether in this one hundred and ten, were included marines and officers, for the Wasp had, beside her one hundred and two men, officers and marines, making the whole crew about one hundred and thirty-five. What is however decisive, as to their comparative force is, that the officers of the Frolic acknowledged that they had as many men as they knew what to do with, and in fact the Wasp could have spared fifteen men. There was therefore on the most favorable view, at least an equality of men, and an inequality of four guns. The disparity of loss was much greater.—The exact number of killed and wounded on board the Frolic could not be precisely determined; but from the observations of our officers, and the declarations of those of the Frolic, the number could not have been less than about thirty killed, including two officers, and of the wounded between forty and fifty; the captain and second-lieutenant being of the number. The Wasp had five men killed and five slightly wounded.

All hands were now employed in clearing the deck, burying the dead, and taking care of the wounded, when captain Jones sent orders to lieut. Biddle to proceed to Charleston, or any southern port of the United States; and as there was a suspicious sail to windward, the Wasp would continue her cruise. The ships then parted. The suspicious sail was now coming down very fast. At first it was supposed that she was one of the convoy, who had all fled during the engagement and the ship cleared for action; but the enemy, as she advanced, proved to be a seventy-four—the Poictiers, captain Beresford. She fired a shot over the Frolic; passed her; overtook the Wasp, the disabled state of whose rigging prevented her from escaping; and then returned to the Frolic, who could, of course, make no resistance. The Wasp and Frolic were carried into Bermuda.

It is not the least praise due to captain Jones, that his account of this gallant action is perfectly modest and unostentatious. On his own share in the capture it is unnecessary to add any thing. "The courage and exertions of the officers and crew," he observes, "fully answer my expectations and wishes. Lieutenant Biddle's active conduct contributed much to our success, by the exact attention paid to every department during the engagement, and the animating example he afforded the crew by his intrepidity. Lieutenants Rodgers and Booth and Mr. Rapp, showed by the incessant fire from their divisions, that they were not to be surpassed in resolution or skill. Mr. Knight, and every other officer, acted with a courage and promptitude highly honorable. Lieut. Claxton, was confined by sickness, left his bed a little previous to the engagement; and though too weak to be at his division, remained upon deck, and showed by his composed manner of noting its incidents, that we had lost by his illness, the services of a brave officer."

A Common Case.

The undersigned deponent has returned to *Salem*.—His lot has been the lot of thousands. "IMPRESSMENT MUST CEASE."

I, *Isaac Clark*, of Salem, in the county of Essex, and commonwealth of Massachusetts, on solemn oath declare, that I was born in the town of Randolph in the county of Norfolk, have sailed out of Salem aforesaid, about 7 years; that on the 14th day of June, 1809, I was *impressed* and forcibly taken from the ship Jane of Norfolk, by the sailing-master (his name was Car) of his majesty's ship Porcupine, Robert Elliott commander. I had a protection from the custom-house in Salem, which I shewed to capt. Elliott; he swore I was an Englishman, tore my protection to pieces before my eyes, and threw it overboard, and ordered me to go to work—I told him I did not belong to his flag, and I would do no work under it. He then ordered my legs to be put in irons, and the next morning ordered the master at arms to take me on deck and give me two dozen lashes; after receiving them, he ordered him to keep me in irons, and give me one biscuit and one pint of water for twenty-four hours. After keeping me in this situation one week, I was brought on deck, and asked by capt. Elliott if I would go to my duty—on my refusing, he ordered me to strip, tied me up a second time, and gave me 2 dozen more, and kept me on the same allowance another week—then ordered me on deck again and asked if I would go to work; I still persisted that I was an American, and that he had no right to command my services, and I would do no work on board his ship—He told me he would punish me until I was willing to work; and gave me the third two dozen lashes, ordered a very heavy chain put round my neck, (such as they had used to sling the lower yard) fastened to a ring bolt in the deck, and that no person, except the master at arms should speak to me, or give me any thing to eat or drink, but my one biscuit and pint of water for twenty-four hours, until I would go to work. I was kept in this situation *nine weeks*, when being exhausted by hunger and thirst, I was obliged to yield. After being on board the ship more than two years and a half, and being wounded in an action with a French frigate, I was sent to the hospital—when partially recovered, I was sent on board the Impregnable, a 98 gun ship. My wound growing worse, I was returned to the hospital, when the American consul received a copy of my protection from Salem, and procured my discharge on the twenty-ninth day of April last. There were seven impressed Americans on board the Porcupine, three of whom had entered.

ISAAC CLARK.

Essex, ss—December 23, 1812.

Then *Isaac Clark* personally appeared and made solemn oath that the facts in the foregoing declaration, by him made and subscribed, were true in all their parts—Before JOHN PUNCHARD,
M. TOWNSEND,
Justices of peace, and of the quorum.

The heroes of King's Mountain.

A resolution was passed by the legislature of this state, (says the Raleigh (N. C.) Register,) so long ago as the year 1781, awarding elegant swords to the officers who bravely fought and conquered at the famous battle of King's Mountain, in this state; but the then executive not having it in his power to procure such swords as were deemed proper for the occasion, the resolution has lain unattended to ever since. At the late session, generals Shelby and Sevier (two of the surviving officers) sent on a memorial in relation to the subject which produced an unanimous adoption of the following resolution:

Resolved unanimously, by both houses of the general assembly, that his excellency the governor be requested to procure *three elegant swords*, such as in his estimation it is not unworthy of North-Carolina to bestow on those who have distinguished claims on

the gratitude of her citizens; and that he cause them to be severally presented, in the name of the state, to general ISAAC SHELBY of Kentucky, general JOHN SEVIER of Tennessee, and colonel JOSEPH WINSTON, of this state, the three surviving chiefs of the gallant band who fought and conquered at King's Mountain on the memorable *seventh of October*, 1780.

Colonel Joseph Winston being a member of the senate, and present at the passage of the resolution, rose in his place, and expressed himself nearly as follows:—"*Mr. Speaker*, I am at a loss for words to express my sense of the honor which the general assembly has conferred upon me by this grateful present. I trust, that the sword which is directed to be presented to me, will never be tarnished by cowardice; but be wielded in defence of my country's rights and independence."

Amount of Inspections

In the city of Baltimore, from 1st *Jan. to* 31st *Dec.* 1812.

Wheat flour	537,988 bbls.	increase	21,729
Ditto	29,423 half bbls.	do.	1,857
Rye do.	21,099 bbls.		
Indian corn do.	6,184 casks	decrease	1,129
Beef	5,270 bbls.	increase	2,900
Ditto	233 half bbls		
Pork	6,682 bbls.	decrease	4,000
Herrings	43,076 do.	increase	9,300
Mackerel	1,885 do.	decrease	1,000
Shad	5,565 do.	increase	170
Salmon and cod	278 do.		
Domestic liquors	29,607 casks	decrease	270
Foreign do.	2,326 do.	increase	300
Ullages	3,561 do.	do.	826
Oil	963 do.	decrease	290
Butter	5,059 kegs	do.	5,600
Lard	7,988 do.	do.	400

Receipts and Expenditures.

Letter from the secretary of the treasury, transmitting a statement of the annual revenue of the U. States from the commencement of the federal government until the 30th of September, 1812; also, an account, within the same period, of the annual expenditures: made in pursuance of a resolution of the house of representatives of the 24th of December, 1812.

TREASURY DEPARTMENT, Jan. 11, 1813.

SIR—I have the honor to transmit the statements required by the resolution of the house of representatives of the 24th of December last, together with an explanatory letter from the register of the treasury.

I have the honor to be, with great respect, sir, your obed ent servant, ALBERT GALLATIN.

The honorable the speaker of the house of representatives.

TREASURY DEPARTMENT,
Register's office, Jan. 10, 1813.

SIR—I have the honor to transmit herewith a statement formed in pursuance of a resolution of the house of representatives of the United States, of the 24th of December, 1812.

This account exhibits an annual summary of all the receipts and expenditures of the United States, from the commencement of the federal government to the 30th September, 1812, with the exception of the receipts and payments on account of domestic and foreign loans, and of payments made on account of the revolutionary government.

The receipts into the treasury from customs have been		$199,524,131 78
Internal revenue		6,460,003 54
Direct tax		1,757,240 84
Postage of letters		667,548 70
Sales of public lands		6,161,283 02
Miscellaneous		1,216,775 39
Total of receipts called for by the resolution of the house		$215,786,783 27
And if to this be added the aggregate amount of foreign and domestic loans received either at the treasury of the U. States, or by their commissioners abroad of		39,856,620
The sum total of receipts to 30th Sept. 1812, is		$255,643,403 27
The expenditures are stated, viz.		
Pay and subsistence of the army	38,572,575 15	
Fortifications of ports and harbors	3,493,758 96	
Fabrication of cannon	263,611 54	
Purchase of saltpetre	150,000	
Additional arms	300,000	
Arming and equipping of the militia	500,000	
Detachment of the militia	170,000	
Services of militia	406,800	
Services of volunteers	210,000	
		44,066,745 65
Indian department. Holding treaties, &c.	822,838 68	
Trading houses	430,298 84	
		1,253,137 52
Naval department		29,889,660 78
Foreign intercourse, exclusive of Barbary Powers and including the sum of $6,361,000 paid under the convention with France, of 30th of April, 1803, and with Great Britain, of 8th Jan. 1802,		10,311,145 33
Barbary Powers		2,328,810 40
Civil list		12,686,493 36
Miscellaneous civil		7,566,228 17
Total of expenditures called for by the resolution of the house		$108,102,221 21
If to this be added the expenditures in relation to the payment of the interest, charges on the foreign loans and principal of the foreign and domestic debts at the treasury of the United States, and by their commissioners abroad, of		144,862,260 67
And the expenditures on account of the revolutionary government, of		316,268 70
The sum total of expenditures to 30th Sept. 1812, is		253,280,750 58
Which, with the balance in the treasury on 30th Sept. 1812, of		2,362,652 69
Make the sum total of receipts as before stated		$255,643,403 27

I have the honor to be, sir, with the greatest respect, your most obedient and most humble servant,

JOSEPH NOURSE, *Register.*

Hon. Albert Gallatin, secretary of the treasury.

A Statement of the Annual Revenue of the United States,

From the commencement of the Federal Government until the 30th of September, 1812, comprising the nett amount derived from the Customs, Internal Taxes, Direct Taxes, Sales of Lands, and all other sources; also, an account within the same period of the Annual Expenditures, on account of the Army, Indian Department, the Navy, Foreign Intercourse, Barbary Powers, Civil List, Miscellaneous Civil, formed in pursuance of a resolution of the House of Representatives of the United States, of the 24th December, 1812.

YEARS,		CUSTOMS.	INTERNAL REVENUE.	DIRECT TAX.	POSTAGE.	PUBLIC LANDS.	MISCELLANEOUS.	AGGREGATE.
From the 4th March, 1789, to the 31st December,	1791,	4,399,472 99		-	-	-	19,440 10	4,418,913 9
	1792,	3,443,070 85	208,942 81	-	-	-	9,918 65	3,661,932 31
	1793,	4,255,306 56	337,705 70	-	11,020 51	-	10,390 37	4,614,423 14
	1794,	4,801,065 28	274,089 62	-	29,478 49	-	23,799 48	5,128,432 87
	1795,	5,588,461 26	337,755 36	-	22,400	-	5,917 97	5,954,534 59
	1796,	6,567,987 94	475,289 60	-	72,909 84	4,836 13	16,506 14	7,137,529 65
	1797,	7,549,649 65	575,491 45	-	64,500	83,540 60	30,379 29	8,303,560 99
	1798,	7,106,061 93	644,357 95	-	39,500	11,963 11	18,692 81	7,820,575 80
	1799,	6,610,449 31	779,136 44	-	41,000	-	45,187 56	7,475,773 31
	1800,	9,080,932 73	809,396 55	734,223 97	78,000	443 75	74,712 10	10,777,709 10
	1801,	10,750,778 93	1,048,933 43	534,343 38	79,500	167,726 6	266,149 15	12,846,530 95
	1802,	12,438,235 74	621,898 89	206,565 44	35,000	188,628 2	177,905 86	13,668,233 95
	1803,	10,479,417 61	215,179 69	71,879 20	16,427 26	165,675 69	115,518 18	11,064,097 63
	1804,	11,098,565 33	50,941 29	50,198 44	26,500	487,526 79	112,575 53	11,826,307 38
	1805,	12,936,487 4	21,747 15	21,882 91	21,342 50	540,193 80	19,039 80	13,560,693 20
	1806,	14,667,698 17	20,101 45	55,763 86	41,117 67	765,245 73	10,004 19	15,559,931 7
	1807,	15,845,521 61	13,051 40	34,732 56	3,614 73	466,163 27	34,935 69	16,398,019 26
	1808,	16,363,550 58	8,210 73	19,159 21	-	647,939 6	21,802 35	17,060,661 93
	1809,	7,296,020 58	4,044 39	7,517 31	-	442,252 33	23,638 51	7,773,473 12
	1810,	8,583,309 31	7,430 63	12,448 68	-	696,548 82	84,476 84	9,384,214 28
	1811,	13,313,222 73	2,295 95	7,666 66	37 70	1,040,237 53	60,068 52	14,423,529 9
From the 1st of January to the 30th of September,	1812,	6,348,865 65	4,903 6	859 22	85,000	452,362 33	35,716 30	6,927,706 56
TOTAL		199,524,131 78	6,460,003 54	1,757,240 84	667,348 70	6,161,283 2	1,216,775 39	215,786,783 27

☞ Table of Expenditures in our next.

Home Influence.

The belief of years has resolved into moral certainty. It was an old opinion that the United States could never become a *really* independent, distinct and separate nation, while so many of our necessaries, conveniences and luxuries were received from abroad. Our ablest politicians, knowing the *influence* generated by these considerations, always predicted what the declaration of war against *England* has realized; for now it is evident matter of fact, that our people on the sea board must be weaned from their late great commercial intercourse with that country, before they can possess one genuine and generous *American* feeling. To the shreds of the *old predilections* in favor of *Great Britain*, handed down from father to son, and imbibed through a multitude of mediums, such as books, business and and all the circumstances of social life, is superadded the more powerful dispositions of *pecuniary interest*. In the scale of affections, the love of self predonderates; and the many thousands who grow rich by dealing in *foreign* goods must needs be under *foreign* influence. "*Where the treasure is the heart will be also*," and it is too much the case with the *trading* world that money is the god they worship. It is not to be expected that these narrow personal feelings can be eradicated; but time and perseverance may divert them to better objects *at home*.

It is cause of rejoicing that many, very many millions of dollars have latterly been invested in *domestic manufacturing establishments*, and to observe the current of wealth still urging the erection of new and magnificent works. This mighty and increasing capital begets a new feeling; for the "treasure" is *at home*. The influence of money is wonderful; and the mind changes as the means of acquiring it are presented. Hence a powerful *home influence* is spreading itself through society, and the people are becoming more abstracted from *foreign* considerations. In the city of *Baltimore* are now sold various kinds of goods to the value of at least half a million of dollars *per annum*, all of which species, five years ago, were received from *abroad*; and the pith and marrow of the matter is this, that the supply is immensely increasing, because all who deal in them find their *profit* in doing so——

> "Men follow money
> As bees follow honey;"

and many very valuable establishments for the chief sale of *domestic goods* have sprung up in different parts of the city; while every day brings to market some *new commodity*.

It is true that the manufactures of the United States are not yet adequate to the consumption of the country; but hundreds of thousands are clothed entirely with *home-made* apparel; while many of our most important branches of mechanical industry are completely supplied with all their tools and apparatus from other work-shops among us. Our bountiful country pours forth its resources; and genius applies its productions to the wants and conveniences of life.* Our progress in improvement has no parallel; nor is the increase of our population more surprising than the proceeds of our manufactures, rising in all their varied form in every direction, and pursued *with an eye to profit* in almost every farm house in the *United States*. The *merino breed* of sheep is spreading with astonishing rapidity—they are already numerous, and much attention is paid to improving the common species. The manufacture of all the coarser kinds of *cotton goods*, with some of the most delicate fabrics, may be considered as *fully established*. The western states will supply us with an abundance of *hemp* and *hempen manufactures*. The chief part of the heavy *metallic articles* are now made amongst us, while many of the lighter kinds are extensively and profitably furnished. The *woolen manufacture* keeps pace with the rest, and great investitures are made in its various departments. Ancient prejudices have yielded to the impulses of patriotism or the dictates of prudence, and it has become *fashionable* to use *home manufactures*. This is a most important point gained, for we are creatures of prejudice; and, "like blind horses in a mill," pursue the beaten track without a why or wherefore. Six years ago our whole export of *flour*, *beef*, *pork* and *provisions*, generally, did no more than pay for the *foreign* liquors we consumed: the case is materially altered—the long despised *whiskey*, rectified, and improved, has driven from the side-board *English* rum and *French* brandy, or suffers them to remain as mere monuments of former favor. Our most dashing bucks are proud to boast a *homespun coat*; and the prudent house-wife delighted exhibits her newly made table linen, sheeting, carpets, &c. This is that pride that destroys a *foreign* influence——it is an honest pride, and should be encouraged, and so indeed it is—for no man is ashamed for his apparel, though it be coarse, if it is clean and decent, and HOME-SPUN.

Seeing the importance of *domestic manufactures* in lessening our connection with the old world, corrupted and corrupting, the patriot heart leaps with joy at the speedy prospect of "reversing the tables" upon it, in making it the *necessity* of *foreign* nations to *depend* on us for those raw materials and articles of food which it was *our* object to exchange for *their* productions—*but which they must have*, not possessing within themselves the means to furnish them.—*Then* will our country stand on high ground; and wealth flow gradually in from all quarters, without subjecting us to *foreign* partialities or the *gamblings* of commerce. The trade of the country will increase; but the anxiety of the merchant will be, not to receive from *Europe* the chief articles of his adventure, but to obtain of his neighbors, responsible men vouching for their good qualities and on whose faith he can recommend them abroad, all that he wants.—This time is not far distant—the *political mellenium* in America is fast approaching, and will come; though like the croaking raven, a FOREIGN INFLUENCE predicts all calamity. The righteous war for our *seamen* and our *rights*, grossly violated, is one of the grand means by which a good Providence will bring about a blessed union of the people, in directing them to look AT HOME for all they desire. Let the real *American* be of good cheer—we shall tri-

*While writing this article, I was interrupted by a neighbor exhibiting two beautiful specimens, *of two great hills*, of *red* and *yellow ochre*, within three miles of *Baltimore*; which, by comparison, are far superior to any hitherto imported. The best *French* yellow, sold in our paint stores, of which a specimen is also presented, is not near so brilliant as the domestic product. These hills of ochre, are situate on the navigable waters of the *Patapsco*, and represented as inexhaustible.

While with great satisfaction we notice the establishment of new manufactories in all parts of the United States, it is with singular pleasure we observe the certificates of several respectable *curriers* in *Philadelphia*, stating, that they have, *in use*, *curriers' knives* made in that city, which are equal to any imported. The leather manufacture is of the greatest importance; and it *was thought* that we must long continue to import these indispensable knives—but the delusion has past.

umph by land as well as by sea; but more than all in establishing a HOME INFLUENCE that will guard and defend happy *Columbia* amidst the "throes and convulsions of the old world," when "infuriated man, though blood and slaughter, shall seek his liberty," with horrors unprecedented †

This state of things is clearly manifested to the view of *England*. With unspeakable hatred and bitterness of spirit, like *Babylon* of old, she sees the time "when no man [in America] shall buy her merchandize any more"—and herein is the *true cause* of that rancour of party which is excited in the United States by her turbulent advocates. We should bear with that patiently, well assured that *her influence* here is at its last gasp. It will not expire without great screamings and noise; but they shall not divert us from our course. *Home manufactures*, with steady perseverance, will destroy the hydra; and when, hereafter, we shall calmly view his deformity, great will be our wonder that we bore with it so long.

The preceeding remarks occurred on reading the following little article from the *Bedford Gazette*—it is a charming instance of private industry, which has thousands and tens of thousands of rivals—

Domestic Manufactures—It is with much pleasure that we give to the public, from a correct source of information, the following account of articles manufactured by Mrs. *Webster*, of Somerset, Penn. since the 1st of January last, as a laudable example of female industry, and economy.

22	yards of bottle green and black cloth
47	do. barrel flannel
28	do. 8-c. shirting linen
21	cotton ticking
22	striped and —— cotton
40	do. cotton and wool for coverlets
24	do. rag carpeting
24	do. wool do.
22	do. blanketing
22	do. table linen
14	do. 1-4 merino, black cloth
24	do. do. do.
316	yards—total.

British love of "Liberty."

We have been constantly assailed with the cry that Great Britain is "fighting for the liberty of the world," and so lost to honesty are some amongst us, as to pray for her success, even against the United States.

In *Spain*, they who resist *Bonaparte* are "*patriots*"—to shake off his yoke is the touchstone of all that is amiable and just, for *he* wants to hold possession of that country. If in this controversy I could believe that the *Spaniards* were acting for themselves—if I could think that they were not aiding and abeting *our* enemy, there is no man who would more heartily say "God speed them," than I. But how it is that the friends of the British government make resistance to *Bonaparte* "*patrietism*," while they metamorphose resistance to *Great Britain* into "*rebellion*," I cannot tell. For my own part, I pray most devoutly, that both these unrighteous governments, equally detested and disgusting, may fall a prey to the just indignation of the people.—But this has nothing to do with the matter before us.

A late *English* paper gives a detailed account of an intended "*mutiny*" at *Quilon* in the East Indies—the *facts* of which follow, only I have put them into the *same language* the *British* would have used if the thing had happened in *Spain*, *Bonaparte* standing in the place of *their own* government:

We learn with horror a new instance of the *all consuming despotism* of the *usurpers* of India, *insatiable* while a drop of *patriot* bloo dremains in that unfortunate and much abused country. A short time since, for causes not assigned, they seized upon a *Dewan* of *Travancore*, and a man of high consideration among the natives called *Pyche Rajah*, and confined them closely at *Quilon*. Though their bodies were in bondage, their *patriot* hearts were unsubjected; and they nobly resolved to exact a *just revenge* upon the *spoilers of their country*. A *native* officer who was appointed to guard them, feeling the *wrongs of his countrymen*, entered into their views to sweep off at a single blow the whole *British* force at *Quilon*, by first dispatching the officers of the *tyrant*, and then, with the native troops, to cut in pieces the *armed banditti* of the *usurper*. This *gallant* and *glorious design* was most unfortunately delayed by the remissness of one man whose zeal in the *noble cause* was, perhaps, blunted by the danger attending its execution; and the next day an *abominable and attrocious Indian*, who had sold all pretensions to *honor* and *love of country* for a petty office given him by the *tyrant*, overheard and communicated the plot to the *blood thirsty intruder*, who took his measures to defeat it with the greatest deliberation and cruelty. All the troops were immediately ordered under arms, and the suspected persons taken from the ranks, and *placed in irons*. On the following morning a number of *base wretches* turned king's evidence, and fully disclosed the plan that had been digested for the *just destruction* of the *armed ruffians*; and a *vile priest*, forgetting what was due to the "*holy altars of his country*," gave in the names of the individuals concerned in it. He implicated some persons of considerable consequence, who were immediately sent off under a strong guard to *Trichinopoly*. The next day the troops were again ordered under arms—three cannon were advanced in front of the line, about one hundred paces from the centre, also a gun on each flank, at the same distance. Two of the guns in the centre were loaded with powder, the others with grape shot to play upon the remaining *patriots* if any there were, who might resist the contemplated measures. Two persons, one of whom was the *Rajah* abovementioned, were brought forth, and "without any ceremony"—*without even the farce of a trial*, lashed each to the muzzle of a gun. After an awful pause, the words "ready, fire," were given—and they were blown to atoms. The *bloody villains* had the *brutal insensibility* to march the whole line round the remaining shreds of the bodies of the *basely murdered patriots*.

In this account, which is *substantially* the same as related by a *British* officer at *Quilon* in his report of the affair, we have, for *mere example sake*, used the

†Without pretending to a spirit of prophecy, I am assured that the "age of revolutions" has only began. The present system in *Great Britain*, with her *paper* credit, *must fall*—and on the continent with the decease of *Bonaparte*, what may be not expected? Let he that hath wisdom count the *consequences* of these things. They furnish to the *American* the most powerful inducemeats to stand by his country; and prepare it, *by an union of sentiment*, to bear the rudest shocks that can assail it from *abroad*. We do not affect to court the number of years that will bring about these things—but it is as likely that the emperor of the *French* will live forever, as that the people of *Great Britain* will sustain their existing impositions.

terms "*usurper, tyrant, intruder, armed ruffians, patriots,*" *&c. &c.* as a "*magnanimous*" *Englishman* would use them, if this event had happened in *Spain;* leaving the reader to determine if the difference of countries can change the nature of the facts.—

"*British religion*" in *India*, hereafter

Events of the War.

MILITARY.

We may look for important news from the west—Our letters say that general *Harrison* has left *Chilicothe*, with the determination of immediately accomplishing the original object of his expedition, to wit—the re-occupation of the *Michigan* territory, with the subjugation of the adjacent parts of *Upper Canada.*

Col. Barnes of New-York, at that time commanding a regiment of militia, has entered as a private in of the army of the United States, at Elizabeth town, in that state. The Hudson paper (the *Bee*) gives us the most favorable account of the recruiting service in that city. Indeed, there is every reason to hope, that if the present energetic measures are pursued, and we trust they will be greatly invigorated by the change in the war department, the whole number of men required will be obtained in due season.

The Spanish force in St. Augustine is said to consist of 400 white and 500 black troops. An attack upon it is anticipated.

The *Vermont Republican* states that a quantity of *verdigrease* undissolved, was discovered in one of the casks of spirits from which the rations of the soldiers were supplied. The enemies *within* are far more dangerous than the enemies without.

Recruiting instructions.—By orders from the adjutant-general, issued at Washington city, on the 15th inst. it appears that a greatly increased attention is to be paid to the recruiting service. The several states and territories are to be cast off into one or more districts, as has appeared convenient, each being under the care of a field officer. Plain and simple rules are prescribed by which clothing, money, &c. may be obtained, as need requires; and by "checks and balances" prodigality and carelessness are alike guarded against. No objection is to be made to a recruit for a want of size, provided he be strong, active and well made and healthy.

The gallant and much lamented capt. *Pierce*, who was killed in col. *Campbell's* affair with the Indians, after he fell, exclaimed "*do not let them scalp me!*" These were his last words—his brave comrades rallied round his body, and preserved it from the last indignity of the *British* ally.

The savages begin to see the futility of *British* promises, and to become sensible that their very existence depends on the mere will of the western people. They are thinking seriously of peace. All of the *Delaware* Indians were to have been at *Greenville* about the first of the year, on this business.

A memorial was presented at the last session of the legislature of Massachusetts, praying that a law may be passed to furnish at the expence of the state, the whole body of the militia with arms and equipments of a similar kind, and to pay the men one dollar a day during the time they perform military duty, for not less than six or eight whole days in each year; such militia men only to be given arms as provide a uniform for themselves. It also prays for an annual tax on all who are not constitutionally exempted from military duty. This memorial was committed and reports are expected on it at the ensuing session.

According to the *London* accounts, we lost 1500 men at the battle of Queenston!

Copy of a letter from Governor Snyder to the Secretary of War.

Harrisburg, Dec. 10, 1812.

Sir—I enclose you a copy of an act of the legislature, passed this day—by which you will perceive that it is enjoined on me to enquire whether the government of the United States have made any provision to supply the different descriptions of militia from this state, with blankets, watchcoats, and other articles of clothing which their condition and the climate may necessarily require. As information on this subject may materially affect the interest and comfort of those militia in service, I have to request as early attention to the subject as your various and arduous duties will permit.

Respectfully, sir, your obedient servant,

SIMON SNYDER.

The Secretary of War.

Copy of a letter from the Secretary of War to Governor Snyder.

War Department, Dec. 16, 1812.

Sir—I have the honor to acknowledge your excellency's letter of the 10th instant, and to inform your excellency that the militia when called into the service of the United States, are paid according to the provision of the act of January 2, 1795, which establishes a monthly compensation for "bounty, clothing and pay."

By the act of February 6th, 1812, authorising the president to accept volunteers, it is provided in lieu of clothing the non-commissioned officers and privates shall be entitled to a sum of money equal to the cost of clothing for the troops of the United States, and advances have been made accordingly.

To meet emergencies, ten thousand blankets, five thousand woolen jackets, five thousand pairs of woolen pantaloons, twenty thousand pairs of woolen stockings and socks, and twenty thousand pairs of shoes, with watch coats for centinels, have been ordered to the army on the north western frontier under general Harrison, to be delivered to the volunteers and militia, who may stand in need of clothing, and which will be charged to the account of those who receive them: what portion of this clothing may be issued to the militia of Pennsylvania, serving with that army, cannot be ascertained. No other provisions for clothing the militia and volunteers have been made by the government of the United States.

Very respectfully, I have the honor to be, your excellency's obedient servant,

W. EUSTIS.

His excellency, Simon Snyder. governor of Pennsylvania.

Adjutant-General's Office,
Washington city, December 14, 1812.

Sir,—I am instructed by the secretary of war to convey to you, and through you to the officers and and soldiers of the 4th regiment of infantry, who are prisoners of war, the high sense which the president entertains of the gallantry and good conduct by which you and they have been distinguished.

I am, sir, very respectfully, your obedient servant,

T. H. CUSHING, Adj. Gen.

Lieut. col. James Miller.

Adjutant-General's Office,
Washington city, 18th Jan. 1813.

General orders.—The following officers of the army and militia of the United States, made prisoners of war at Detroit, Queenstown and elsewhere, have been duly exchanged for the officers, non-com-

missioned officers, drummers and privates, taken on board his Britannic majesty's transport Samuel and Sarah, on the 11th day of July, 1812, viz: brigadier general William Hull; colonels Duncan, M'Arthur, James Findley, and Lewis Cass; lieutenant colonels James Miller, John R. Fenwick, Winfield Scott and John Christie; major James Taylor; captains Nathan Heald, John Whistler, Henry B. Brevoort, Josiah Snelling, Robert Lucas, Abraham F. Hull, Peter Ogilvie, William King, Joel Cook and Return B. Brown; first lieutenant Charles Larrabee,; second lieutenants James Dalliba and Daniel Hugunin: And each and all of the aforesaid officers are hereby declared exchanged, and as free to act against the united kingdom of Great Britain and Ireland, and the dependencies thereof, as if they had never been captured.

By order of the secretary of war,
T. H. CUSHING, *Adj. General.*

HEAD-QUARTERS, N. W. ARMY,
Franklinton, January 2, 1813.

GENERAL ORDERS—The commanding general has received from lieut. col. Campbell the official report of his late expedition against the Massassineway villages. The conduct of the col. and his gallant detachment has been in every respect such as the general had anticipated. They have deserved well of their country, and have shed a lustre on the North-Western army. In no part of their duty have they failed. The officers vied with each other in setting a proper example to their men, and the conduct of the men was marked throughout by cheerfulness, alacrity and obedience upon the march; and invincible bravery in the presence of the enemy. The detachment appears to have been worthy of their commander, and their commander worthy of them. Nothing can evince more clearly the merits of lt. col. Campbell, than the confidence and attachment manifested for him by his command; an attachment, not produced by any improper indulgence or weak compliances, but established upon the solid basis of a zealous and punctual discharge of his own duty, and a mild, humane but determined exaction of obedience from his subordinates. Troops thus disposed, and thus commanded, will be always invincible. Lieut. col. Campbell's official account will be transmitted to the secretary of war; it will be published to the world, and the simple narrative of their actions will form the best eulogium upon the conduct of the troops. The general requests lieut. col. Campbell, lieut. col. Simerall, major Ball, and all the other officers, non-commissioned officers and privates to accept his warmest thanks for their good conduct. The officers, non-commissioned officers and privates, who were fortunate enough to have an opportunity of distinguishing themselves by their valor or good conduct are as follows:

Kentucky Dragoons.—Lieut. col. Simerall; major M'Dowell; capts. Trotter, (slightly wounded) Smith, Johnson; 1st. lieuts. Hobson, Payne; 2d lieut. Trotter; comd. Dishman; serj. maj. Montgomery; corporal Riddle; trumpeter Willman.

Major Ball's squadron, consisting of 2d regt. U. S. light dragoons, 12 *months. U. S. V. dragoons.*—Major Ball; capts. Hopkins, Garrard, Markle, M'Clelland (acting as 2d lieut. to capt. Hopkins); 1st lieuts. Hedges (slightly wounded) Basey; adj'ts. Fullerton and Warrens; 2d lieut. Hickman; cornet and quarter-masters M'Clanaha, Lee, Grear (wounded) Herod; serj. maj. Edwards; quarter-master's serj. Hawkins.

Pittsburg Blues, (12 months' U. S. infantry.) Capt. Butler.

Nineteenth regt. U. S. infantry.—1st lieut. Gwynne; ensign Harrison; quarter-master's serj. Levitt.

Spies and Guides.—Capt. Patterson Bain, James Audrain, William Conner, Silas M'Culloch, James Thompson, James Nuggs, Joseph G. M'Clelland, John Ruland.

Capt. Hite, extra adj't.; capt. Luce (volunteer) doctor Moore; Thomas Moore; P. Secretary; Mr. Baylor; Robert Mitchell, waggoner.

The character of this gallant detachment exhibiting, as it did, perseverance, patience, fortitude and bravery, would, however, have been complete, if, in the midst of victory, they had forgotten the feelings of humanity. It is with the sincerest pleasure, that the general has heard, that the most punctual obedience was paid to his orders; not only in saving the women and children, but in sparing all the warriors who ceased to resist; and that even, when vigorously attacked by the enemy, the claims of mercy prevailed over every sense of their own danger; and this heroic band respected the lives of their prisoners. The general believes that humanity and true bravery are inseparable. The rigid rules of war may sometimes, indeed, make a severe retaliation necessary; but the advantages which attend a frequent recurrence to it, are very uncertain, and are not to be compared with the blessings which providence cannot fail to shed upon the efforts of the soldier, who is "in battle a lion, but, the battle once ended, in mercy a lamb." Let an account of the murdered innocence be opened in the records of Heaven against our enemies alone; the American soldier will follow the example of his government, and neither the sword of the one will be raised against the helpless or the fallen, nor the gold of the other paid for the scalp of a massacred enemy.

The general cannot pass by the opportunity that is afforded him, by bestowing deserved commendation upon a detachment of his army, without recurring to the merits of the other corps. They have not had, as yet, their wishes gratified in meeting the enemy; but they have, nevertheless, performed hard service under great deprivations. The Ohio brigades are exerting themselves with vigor and effect in perfecting their discipline and performing some works requiring great labor. Those from Virginia and Pennsylvania are vieing with each other in the path of duty and discipline, to a degree rarely equalled and never excelled. Since their arrival at Sandusky, a proper sense of subordination every where prevails, and the infamous principle, that the claims of patriotism would be satisfied by marching to the lines and looking at the enemy, is so completely exploded, that the general believes his authority would be scarcely sufficient to protect from the vengeance of the soldiery the wretch who should have the temerity to insult them by suggesting it.—The general is happy in believing that *his own Kentuckians* are not behind the other corps of the army in the race of patriotism and duty. He has heard with a satisfaction that he cannot find words to express, that the brigade with which he first took the field, and whose discipline has been confirmed and extended under the immediate direction of his worthy second, general Winchester, have borne with fortitude and cheerfulness an unexampled privation of a principle article of the ration. The general records the circumstances for the edification and example of the rest of the army. Calculating upon the arrival of flour by the Auglaize and St. Mary's rivers, upon which a large quantity had been embarked under appearances indicating a most favorable termination of the voyage, no means were used to forward any by land; but by a very sudden and unexpected freezing of the rivers, the boats were

arrested in progress, and the troops of Fort Winchester, consisting of a detachment of regulars under col. Wells; Scott's, Lewis's and Allen's regiments of Kentucky infantry, subsisted for ten days upon indifferent salt beef, without an ounce of flour. In this time not a murmur was heard, and the sentiment which every where prevailed was, that of continuing to serve as long as their services were wanted. What may not be expected from such troops, when the *only* difficulties of the campaign are once overcome, and they are brought in the presence of the enemy?

(Copy) L. HUKILL,
Assistant deputy adj't. gen.

A report of the number rendered unfit for duty by being frost bitten, as appears from the reports on the morning of the 24th instant, viz.

In major Ball's squadron,	107
Colonel Semrall's regiment,	138
Infantry and riflemen,	58
Total,	303

JOHN PAYNE, first lieutenant,
Kentucky V. L. D. and adj't. to detachment.

ADJUTANT-GENERAL'S OFFICE,
Head-Quarters, Quebec, 17th Dec. 1812.

GENERAL ORDER.—His excellency the commander of the forces, has great pleasure in announcing to the troops under his command, that he has received a report from major-general Sheaffe, communicating the detail of a partial action with the main body of the enemy's army, under the command of brigadier-general Smyth, on the 28th of November, on the Niagara frontier, between Chippawa and fort Erie, which terminated with distinguished honor, to a very small division of the British army under lieut. col. Bishop, who in a most spirited and gallant manner, defeated and repulsed an invading enemy, so vain glorious in the great superiority of his force, that he had with an ostentatious pretence of humanity, proposed the surrender of Erie, to avoid an useless effusion of British blood, and which was instantly rejected by lieut. col. Bishop, with the contempt it merited.

The enemy was gallantly opposed in landing, at 2 o'clock in the morning, by the parties under lieut. King, of the royal artillery, and lieutenants Bartley and Lamont, commanding detachments of 30 and 35 men each, of the 49th regiment; lieut. Bartley prevented for a considerable time, the landing of a force more than ten times his number, and did not relinquish the contest, until his party, reduced to 17 effective men, was threatened by a strong detachment of the enemy, who had landed on his flank.—He made good his retreat, and joined major Ormsby. Lieuts. King and Lamont resisted with spirit the advance of the enemy, until both those officers being severely wounded, and a number of their men killed and wounded, they were under the necessity of giving way to an overwhelming force; the wounded officers fell into the enemy's hands. Major-general Sheaffe expresses in the strongest terms, his entire approbation of the celerity and decision evinced by lieut. col. Bishop, who moved with reinforcements from Chippawa, and met major Ormsby, who had marched with the detachment of the 49th regiment from fort Erie, and also detachments of the 41st regiment, and of militia, under lieut. col. Clark and major Hatt. At day-break this force advanced to meet the enemy, and made prisoner a captain and 38 men of the enemy's artillery, and recovered the guns which had fallen into their hands, and remounted them on the batteries. This force formed to receive the threatened attack, but the enemy being much galled by the musketry, and suffering considerably from a six pounder, most ably served by bombardier Jackson of the royal artillery, turned their boats to their own shore, after a vain display, for several hours, of their numerous armament. From the numbers left on the field, and the boats that were sunk, the enemy's loss must have been very great.

A heavy cannonade was kept up from all the enemy's batteries during the day, but with little effect.

His excellency cannot express in sufficiently strong terms his approbation of the steady discipline, and intrepid firmness, displayed by the troops on this occasion, who, undaunted by the superior force of the enemy in numbers, have evinced a brilliant and glorious example of the pre-eminence of the British discipline. Major-general Sheaffe reports the assistance rendered by major Ormsby and the officers of the 49th regiment, and the light infantry company of the royal New-Foundland regiment, under captain Whelan, and of the militia, under lieut. col. Clark and major Hatt, and capt. Kirby, of the artillery, and of the Indian warriors, under major Givens, as having been gallantly and judiciously displayed, reflecting the highest honor on every individual engaged.

EDWARD BAYNES,
Adjutant-general, North-America.

NAVAL.

Loud complaints are made by our seamen carried into Bermuda. Indeed they appear to be treated in a villainous manner. The prison ship is a vessel of about 70 tons, and at sun-set they are all *rammed* below, and locked up till sun-rise the next day.—They are allowed 6 oz. fresh bread, half a pint of rice and 6 oz. salt meat (bones included) per day. Those that return will have double rations of vengeance.

Our squadron, that is the *Poictiers* and *company*, who have so long blockaded the Chesapeake, have removed to New-York, where they have captured several coasters. Another account says that this is admiral *Warren's* squadron, consisting of the St. Domingo and Dragon of 74 guns, the Statira of 38, and the Sophie and Colibri brigs of 18 guns each.

In the evening of the 26th Nov. the privateer Alexander of Salem, of 16 guns, had a furious engagement with a very large British ship of 18 guns, apparently well supplied with men. At about 10 o'clock, it is supposed the ship struck her colors; but a squall came on shortly after in which it is thought she perished, having been much damaged by the Alexander's fire.

The account of the shipwreck of the British frigate *Southampton*, and the late United States brig *Vixen*, is confirmed, but particulars are yet wanting.

The French ship Tamerlane, from Bordeaux for Baltimore, was chased on shore on the Middle Ground on Tuesday night by the British sloop of war Tartarus, who also grounded, but throwing all but 4 of her guns over, got off. She took possession of the French ship; took the crew out, and left her in charge of a crew from their ship; they also took a Hampton pilot-boat, and put on board a quantity of dry goods, brandy and wine, taken out of the ship, manned her and ordered her out to the other ships, but the Englishmen having all got drunk, the Skipper of the boat took the helm, and carried her into Norfolk.

The *London* papers state the *Frolic* was taken by an American frigate; and that she would have captured the enemy, if, some how or another, she had not been "unfortunately dismasted" *before the fray began! Worse and worse.*

Management.—In Steel's British navy list for Oct. 1812, which is presumed to give an exact account of all that concerns that establishment, the memorable destruction of the Guerriere is not mentioned, though her name is struck out of the alphabetical list of vessels. The *Alert* is duly noticed to have been taken by the *Essex* of *thirty-two* guns, and a memorandum is made of all the *gallant* exploits of the British squadron at Halifax, even to notice the capture of an American privateer of one swivel and 28 men!—But the *Guerriere*, the proud *Guerriere*, one of the "finest ships in the navy," has vanished.

The British papers speak of many manifestations by the *French*, of their design of sending their squadrons to sea.

Paul Hamilton, Esq. late secretary of the navy, in an explanatory letter to the editor of the *National Intelligencer*, touching the manner in which his resignation was announced, says—

"With respect to the fact of my having contemplated retiring from the office of secretary of the navy, I had determined with the return of peace, (if occurring within my official term) to claim the privilege of retirement; but, as things have taken a different course, I have the consolation to know that still I am willing and able to shoulder my musket in defence of my country, in a war which I conscientiously believe to be both necessary and just; and which shall have, in its support, my best personal exertions."

Account of ammunition expended by the Constitution frigate in the action with the Guerriere frigate, which lasted 25 minutes.

300 24 lb. shot; 230 32 lb. shot; 10 18 lb. shot; 140 32 lb. grape; 120 24 lb. grape; 40 24 lb. cannister; 60 32 lb. cannister; 40 24 lb. double headed; 2376 lbs. gun-powder. *Nat. Ad*

London, Nov. 29.—We understand that 10 sail of the line, 15 frigates and 20 large gun brigs, are to be fitted for the American station directly. Le Rhin 44, now in Plymouth Sound, is one of the frigates. The admiralty have adopted the regulation of increasing the crews of the 44 gun frigates with 40 additional hands, the 32 gun frigates with 30 additional hands, and the gun brigs in proportion, to meet on equal terms the large American frigates.

The Guerriere.—The following is given in a late *London* paper as capt. *Dacres'* address to the president and members of the court martial lately held at *Halifax*, to examine into the circumstances of the surrender of his ship, &c. If his *bravadoes*, previous to the capture, were contemptible, his *after* boastings and pitiful excuses are really degrading. He tells us that his force was "CONSIDERABLY *weakened by permitting the Americans belonging to the ship, to quit their quarters.*" What business had the puppy with them? WHAT AN ACKNOWLEDGMENT IS THIS! If he is to be believed, a "*considerable*" part of his crew was composed of IMPRESSED *Americans:* for, if they had *entered*, he would not have exercised this great forbearance. He *knew* them to be *impressed Americans*, and yet retained them!—The impudence of the creature has no parallel. He also insinuates that his defeat was chiefly owing to the "British seamen" on board the *Constitution*. If the facts were ascertained, we venture to say, that *ten* such were not in that ship. He is also desirous of again meeting the *Constitution* in a vessel of the same force as the *Guerriere*. With all our heart and soul, we desire that *he*, or the most redoubtable officer in the *British* navy, may have the opportunity of meeting *any* of our vessels, man for man and gun for gun. This fellow is a *type* of the *British* commanders, else we should not have noticed his miserable sayings: for they are so puffed up with pride, with long reigning uncontroled, that even the best of thrashings cannot immediately humble them.

"*Mr. President and Gentlemen of the Court,*

"By my letter to admiral Sawyer, and the narrative of the principal officers, I trust you will be satisfied that every exertion was used in defending the ship, as long as there was the smallest prospect of the resistance being of any use. In my letter where I mention the boarders being called, it was my intention, after having driven back the enemy, to have boarded in return; and in consequence I ordered down the first lieutenant on the main deck to send every body up from the guns; but finding his deck filled with men, and every preparation to receive us, it would have been almost impossible for us to succeed. I ordered the men down to their quarters, and desired Mr. Kent to direct part of his attention to the main deck, the lieutenant being killed. The main-mast fell without being struck by a single shot, the heart of the mast being decayed, and it was carried away solely by the weight of the fore-mast; and though every thing was done, we could not succeed in getting the ship under command; and on the enemy wearing round to rake us, without our being able to make any resistance, and after having used every exertion, to the best of my abilities, I found myself obliged to order the colors to be struck; which nothing but the unmanagable state of the ship (she laying a perfect wreck) could ever have induced me to do, conceiving it was my duty not to sacrifice uselessly, the lives of the men, without any prospect of success, or of benefit to their country.

"On the larboard side, about 30 shot had taken effect, about 5 sheets of copper down, and the mizen-mast had knocked a large hole under our starboard counter, and she was so completely shattered, that the enemy found it was impossible to refit her sufficiently to attempt carrying her into port, and they set fire to her as soon as they got the wounded out. What considerably weakened my quarters, was permitting the Americans belonging to the ship to quit their quarters on the enemy hoisting the colors of that nation, which, though it deprived me of the men, I thought it was my duty.

"I felt much shocked, when on board the Constitution, to find a large portion of his ship's company British seamen, and many of whom I recognised as having been foremost in the attempt to board.

"Notwithstanding the unlucky issue of the affair, such confidence have I in the exertions of the officers and men who belonged to the Guerriere, and I am so aware that the success of my opponent was owing to fortune, that it is my earnest wish, and would be the happiest period of my life, to be once more opposed to the Constitution, with them under my command, in a frigate of a similar force to the Guerriere.

"I cannot help noticing that the attachment of the ship's company in general to the service of their king and country reflects on them the highest credit; for though every art was used to encourage them to desert, and to inveigle them into the American service, by high bounties and great promises by the American officers, in direct contradiction to the declaration to me, that they did not wish such a thing; only eight Englishmen have remained behind, two only of which number have volunteered their services.

"Leaving the character of my officers and ship's company, as well as my own, to the decision of this honorable court, the justice of whose sentence no person can presume to question, I close my narrative, craving indulgence for having taken in so much of their time."

American Prizes.

WEEKLY LIST—CONTINUED FROM PAGE 302.

"The winds and seas are Britain's wide domain,
"And not a sail, but by *permission*, spreads!"
British Naval Register.

315. Brig Recovery, from Quebec for Jamaica, with a cargo of fish, staves, &c. sent into Boston, by the U. S. brig Argus.

316. Brig Lucy and Alida, a very valuable prize to the Revenge of Norfolk, and sent into that port. The brig was first taken by the General Armstrong, of New-York, retaken by the British letter of marque ship Brenton of Liverpool, and then fallen in with by the Revenge by whom she was sent into port. She has a full cargo of dry goods.

☞The schooner sent into Savannah by the Liberty of Baltimore (see no. 314) is said to be worth $60,000.

317, 318, 319. Three vessels, captured and destroyed by the privateer Jack's Favorite of New-York

Proceedings of Congress.

SENATE—TUESDAY, JAN. 12.

The senate resumed the consideration of the bill for the more perfect organization of the army of the United States.

On motion, it was agreed to strike out of the 4th section, the words "in lieu of the bounty in money heretofore allowed."

Mr. *Lloyd* moved to strike out the words "a bounty of forty dollars: but the payment of twenty dollars of the said bounty shall be deferred until he be mustered and have joined some military corps of the United States for service"—it was determined in the affirmative—yeas 17, nays 15.

YEAS—Messrs. Bayard, Bradley, Campbell of Ohio, Crawford, Gilman, Goodrich, Gregg, Horsey, Hunter, Lambert, Leib, Lloyd, Pope, Smith of N. Y. Tait, Taylor, Turner.

NAYS—Messrs. Anderson, Bibb, Campbell of Ten. Cutts, Dana, Franklin, Gaillard, German, Howell, Magruder, Posey, Reed, Robinson, Smith of Md. Varnum.

Mr. *Lloyd* moved to insert in lieu of the words, "an advance of twenty-four dollars on account of his pay, in addition to existing bounty; one half of each advance to be paid at the enlistment of the recruit, and the other half when he shall be mustered and have joined some military corps of the United States for service"—it was determined in the affirmative—yeas 22, nays 11.

YEAS—Messrs. Bayard, Bibb, Bradley, Campbell of Ohio, Campbell of Ten. Crawford, Cutts, Gilman, Goodrich, Gregg, Horsey, Hunter, Lambert, Leib, Lloyd, Hope, Reed, Smith of N. Y. Tait, Taylor, Turner, Worthington.

NAYS—Messrs. Anderson, Dana, Franklin, Gaillard, German, Howell, Magruder, Posey, Robinson, Smith of Md. and Varnum.

Mr. *Varnum* moved to strike out the first and second sections of the bill.

A division of the question was called for, and the question was taken on striking out the first section, which provides one additional major to each regiment, and determined in the negative—Yeas 15, nays 16.

On the question to strike out the additional lieutenant to each company or troop,

It was determined in the negative—yeas 15, nays 17.

On motion of Mr. *Leib*, the words "five dollars," being the allowance to the officers on recruiting service, were stricken out.

Mr. *Robinson* moved to fill the blank with the words "four dollars," which was agreed to:

And the reported amendments having been agreed to,

On the question, "shall the bill be read a third time as amended?"

It was determined in the affirmative, as follows:

YEAS—Messrs. Anderson, Bayard, Bibb, Campbell of Ohio, Campbell, of Tenn. Crawford, Cutts, Franklin, Gaillard, German, Gregg, Howell, Leib, Magruder, Posey, Reed, Robinson, Smith of Md. Smith of N. Y. Tait, Taylor, Turner and Worthington—23.

NAYS—Messrs. Gilman, Goodrich, Horsey, Hunter, Lambert, Lloyd, Pope and Varnum—8.

[All the amendments made by the senate, were subsequently agreed to by the house; the bill only wants the signature of the president to become a law. The house did little else on Friday, though a good deal of minor business had progress.]

Monday Jan. 18.—The senate resumed the consideration of the bill to carry into effect the report made to congress in February, 1803, by the secretary of state, secretary of the Treasury and attorney general, of the United States' commissioners, &c. (recommending a compromise of the Yazoo claims)—and the bill was further amended.

On the question to engross the bill for a third reading, there were—

For the bill—Messrs. Bayard, Bibb, Bradley, Brent, Cutts, Goodrich, Horsey, Howell, Hunter, Lambert, Pope, Posey, Robinson, Smith, of N. Y. Varnum—16.

Against the bill—Messrs. Anderson, Campbell, of Ohio, Crawford, Franklin, Gaillard, Leib, Magruder, Reed, Tait, Turner, Worthington—11.

Tuesday, Jan. 19.—The bill to carry into effect the report of the commissioners, appointed under a former act, in relation to the Yazoo claims: was read a third time and passed as follows:

YEAS—Messrs. Bayard, Bradley, Dana, German, Goodrich, Horsey, Howell, Hunter, Lambert, Pope, Posey, Robinson, Smith of Md. Smith of N. Y. Taylor, Varnum—16.

NAYS—Messrs. Campbell of Ten. Crawford, Franklin, Leib, Magruder, Reed, Tait, Turner, Worthington—9.

Wednesday Jan. 20.—The senate had before them the bill from the house of representatives for raising 20,000 men for one year; but adjourned without a decesion.

The senate have for some days past occasionally had under consideration some proposition of a confidential character, distinct from that executive duty of the senate which is always transacted with closed doors. On the subject of their deliberations, we do not hazard a conjecture. *Nat. Int.*

In the *House of Representatives* on Friday, the 15th, nothing of importance was done.

Monday, Jan. 18:—Mr. Cheeves, from the committee of ways and means reported a bill to authorise a loan for a sum not exceeding —— millions of dollars, and a bill to authorise the issuing of treasury notes.

Mr. *Pickens*, after observing that the legislature of *North Carolina* had proposed an amendment to the constitution of the United States having for its object to establish an uniform mode of electing electors of president and vice-president of the United States, offered a resolution embracing the important proposition, providing that the several states shall be divided into districts (by the legislatures thereof) equal to the number of electors to which such state is entitled—the districts to be composed of contiguous territory, and contain, as nearly as may be, an equal number of inhabitants—the districts not to be chang-

ed or altered but after a new census [embracing the plan urged in the WEEKLY REGISTER, No. 63, page 174.] This highly interesting resolution was referred to a committee of the whole, and we most earnestly hope that *the whole* may approve and support it, as being the only fair method of obtaining the sentiments of the people.

The house then resolved itself into a committee of the whole on the bill "relating to captures," which provides that compensation shall be allowed to the officers and crews of our public vessels for vessels of the enemy necessarily destroyed after capture—after some time spent therein, the committee rose and reported progress, but were refused leave to sit again.

Tuesday, Jan. 20.—After some other business, the house proceeded to consider the bill relating to captures—which was finally recommitted.

Wednesday, Jan. 19.—Mr. *Mitchel*, from the committee on the subject, reported a bill for establishing an *astronomical observatory*.

The bill from the senate, respecting the *Yazoo* claims was read a third time. Mr. *Troup* moved a flat rejection of the bill, which nearly prevailed—55 to 59. After a variety of propositions, it was referred to the committee on public lands.

A confidential communication was received from the president and the house was cleared of all strangers.

French and Russians.

The 26th, 27th, 28th and 29th bulletins of the French grand army, are received since our last—the latter is dated *Smolensk*, Nov. 11. The emperor left *Moscow* on the 19th of October, proceeding towards *Poland*, with a view to put his troops in winter quarters. The marshal duke of *Treviso* [Mortier] with the garrison, remained at *Moscow*, and on the 23d, at 2 o'clock in the morning, blew up the Kremlin, and finished the destruction of the proud city of the Czars, which the *Russians* themselves had begun, and nearly accomplished. Of the 4000 stone houses that stood in *Moscow* only 200 remain, and of the 8000 wooden buildings, only 500 have escaped destruction—all the stores and valuable spoil had been removed. Gen. *Winzingerode*, on entering the city on the 22d with a body of Cossacks, was taken prisoner. The situation of the former inhabitants of *Moscow*, wandering in the woods, dying with cold and hunger, is feeling described. It was proposed to *Bonaparte* "to gratify the wishes of the *Russians*," and follow their lead, by conflagrating the whole country 20 miles round; but he rejected the plan, and "was satisfied (in the language of the bulletin) to destroy the citadel and military establishments agreeably to the usages of war."

The bulletins detail a great variety of desperate skirmishes, particularly with the Cossacks; in all which the victory is claimed for the French—but they appear to have been dearly purchased. The *Russian* accounts bear a contrary aspect.

A French paper, the *Journal of the Empire*, has a long article on the late movements of the army. It speaks of the impossibility of a winter campaign in *Russia*, and shews that it would have been impolitic and unprofitable to have remained during that season in an exhausted country, liable to be constantly harrassed by skirmishes without effecting any good object. It goes on state that the emperor pursued the same policy in 1807, when he retired from the eastern part of *Prussia* to the borders of the *Vistula*, where the army passed the winter in comfort, while it facilitated the operations of certain detachments of it; from whence they marched "to dictate laws of peace at *Friedland* and *Tilsit*;" and concludes thus—"All the movements of the grand army will be to insure a place suitable for winter quarters—and Moscow being too distant, was ill calculated for such purpose. To say that the emperor has quitted Moscow, is only to say that that father of soldiers goes wherever great operations require his presence—his carefulness has ever commanded victory—his pride is the security of his victorious army."

It further appears, that the desolating policy of the emperor of *Russia*, who destroys every thing that may be useful to his enemy, has greatly embarrassed the movements, if it has not checked the progress of the French.

THE CHRONICLE.

St. George Tucker, esq. well known for his notes upon Blackstone, has been appointed judge of the United States for the district of Virginia, *vice John Tyler*, deceased.

The following is the official canvass of the votes, lately given in the state of Vermont for members of the 13th congress.

REPUBLICAN TICKET.	
Richard Skinner,	16026
Ezra Butler,	16005
James Fisk,	15999
Charles Rich,	15993
William Strong,	15976
William C. Bradley,	15916
FEDERAL TICKET.	
Martin Chittenden,	15774
Chauncey Langdon,	15758
Daniel Chipman,	15751
William Chamberlin,	15740
John Noyes,	15731
Jonathan H. Hubbard,	15476

It appears, at last, that five republicans have been elected to the 13th congress from the state of Massachusetts. The "war majority" in that assembly will be at least 40.

It appears, though the returns are not received, that four "*peace*" and two "*war*" congressional candidates have been elected from *New-Jersey*. Messrs. *Cox* and *Hufty* of the present congress, "republicans," are elected, as two of the "peace men."

The legislature of New-York met at Albany on Tuesday the 12th inst. The same day the *council of appointment* was chosen. The "federal" ticket had 50 votes—the opposition 35. Particulars, *for reference*, in our next.

Though the mouth of the Chesapeake was blockaded by a 74 gun ship, two frigates and a sloop of war, we noticed the safe arrival of 12 or 14 vessels in our waters, on a single day. The main is not so easily "*bridged*", as was feelingly predicted, else com. *Rodgers* had tried the strength of some of its *timbers*.

Mr. *Barlow*, our minister in France, passed through Berlin on the 7th Nov. on his way to Konigsburg.

An active smuggling trade lately pursued on the south-western maratime frontier, has received some severe checks. Captain Holmes of the United States infantry, lately seized 25 of them, with a large quantity of merchandize, after killing one of the gang.

The income of the state of Pennsylvania, is about $350,000 per annum. There are no state taxes.

The committee appointed by the legislature of Pennsylvania to examine Mr. *Readheffer's* machine was to have performed that duty on Thursday last

A letter from Nachitoches dated Dec. 3, says that the Mexican-patriot army under col. Magee, consisted of about 1200 men.

A letter from New-Orleans says that all communication between *Vera Cruz* and *Mexico* is cut off [by the patriots]—the latter place is destitute of provisions—flour 40 dollars.

Capt. *Hull*, of the United States navy, lately married Miss *Ann M. Hart*, daughter of Elisha Hart, esq. of Saybrook, Con.

The Turks, probably instigated by France, do not appear disposed to remain on friendly terms with Russia. They have a formidable force on the frontier, and the grand vizer has arrested and confined three convoys of Russian prisoners, who were returning home. They had also refused entrance at the Dardanelles, to a British frigate that desired to pass.

The affairs of the allies, in Spain and Portugal, appear very desperate. The *French* in their turn, are pushing them in every quarter. The Spanish general Ballesteros has been disgraced—he was impatient of being commanded by a foreigner—lord Wellington.

In all the states of the French empire—allies and dependencies, great activity prevails to furnish men for the armies.

Stocks.—*London*, Nov. 2. Consols 58 5-8. Omnium 5 1-4.

The British government have refused even chalk ballast to American vessels, lest some *flint-stones* should be found among it. Thank fortune, we have enough such stones at home. The present stock of *gun flints* is abundant.

A letter from *Copenhagen*, dated Nov. 2, states that the emperor of Russia is negociating a peace with France, which will completely close that country against British commerce. In opposition to this, accounts from *London* say that *Bonaparte* had sued for an armistice, as preparatory to peace, which was refused him.

The French fleet at Toulon, ready for sea, consists of 5 ships of 120 guns, 2 of 90, 11 of 74, and many frigates. When the wind is suitable for their return, they venture out of port to exercise and manœuvre their men. They are watched by a strong British squadron.

An embargo is said to have been laid in France, possibly to conceal the naval preparations for the moment, or to obtain seamen—The following is given in a London paper as a list of the French fleet lying at *Flushing*—

	Guns.		*Guns.*
Charlemagne	84	Augustus	84
Ambuscade	92	Tilsit	72
Dantzic	72	Illustre	84
Ceres	68	Friedland new ship	
Declamates	84	Duc	44
La Ville de Belon	92	Friesland	40
Coneaventi	84	Hooplaar	40
Alban	64	Minerva	38
Trojan	72	Eugene	42
Pultusk	84	Terpsichore	42
Pacificatur	72	Hussard	14
Hollenden	94	Bulletin	8
Trump	64	Commerce de Lyon, and	
Chatham	94	one name unknown.	

Superb, and five others of the line, names unknown.

Two French ships of the line and 4 frigates, it is positively asserted, have sailed from Rochfort, for the coast of the United States, under the command of com. La Hall.

General Staff in Canada, &c.

General officers—Captain-general and governor in chief, lieut. gen. sir G. Prevost, Bt. Quebec; major-general De Rottenburg; major-general Brock, (since killed at the battle of Queenston;) major-general Sheaffe.

Aids-de-camp—Captain Coore; capt. Fulton; brevet major De Saluberry; capt. Glegg.

Majors of brigade—Captain Shekelton, captain Heriot.

Military secretary—Ensign Freer.

Assistant do.—Lieut. col. Armstrong.

Adjutant-general—Colonel Baynes.

Deputy do.—Lieut. col. J. Harvey.

Quarter-master-general—Col. E. Macdonnell.

Deputy do.—Lieut. col. Myers.

Assistant do.—Brevet major Davis; brevet major Fuller; capt. Caddy; capt. A. Gray.

Deputy-barrack-master-general—Maj. G. Thesiger.

Inspectors field officers of militia—Col. Robert Lethbridge, lieut. col. T. B. St. George, lieut. col. John Murray, lieut. col. Warburton; lieut. col. Pearson; lieut. col. C. Bishop.

NOVA-SCOTIA AND DEPENDENCIES.

General officers—Lieut. gov. lieut. gen. sir J. C. Sherbrooke, K. B. Halifax; major-general F. Moore, Newfoundland; major-general sir T. Saumarez, Halifax; major-general G. S. Smyth, New-Brunswick; brigadier-general H. Swayne, Cape Breton.

Aids-de-camp—Ensign Oats; capt. Durnford.

Majors of brigade—Captain Wallop, captain St. Clair; lieut. col. Hailes; captain Thomas.

Military secretary—Captain Addison.

Deputy-adjutant-general—Lieut. col. A. Pilkington, Halifax.

Deputy-quarter-master-general—Maj. Ligertwood, Halifax.

Inspectors field officers of militia—lieutenant-colonel D. Herbert; lieutenant-colonel H. C. Darling; lieutenant-colonel J. Gubbins; lieutenant-colonel H. F. Cooke.

Pennsylvania Arbitration.

Extract of a letter accompanying the statement of the Prothonatary of arbitration proceedings and trials at bar, in Northumberland county, from the 30th of November, A. D. 1811, the termination of the last abstract exclusive, to the 30th November, A. D. 1812, inclusive.

"The abstract annexed, shews, that within this period (one year) 64 rules for arbitration were entered, of which 61 were operative, and 3 inefficient; in the actions 47 reports have been filed; in 30 cases judgments have been rendered; and from the reports 16 appeals have been entered; two remaining undetermined, and one judgment having been confessed without report.

"The five last columns exhibit a retrospect of proceedings upon cases included in the last report, subsequent to the time of making it; shewing 65 cases reported, of which 45 were finally settled by judgments; 17 appealed, and the residue are still undetermined. Adding together these cases, the total result of the operation of this law, during the year, is 112 reports, 75 judgments, and 33 appeals.

"The trials by jury in the same time, amount to 24; which is just double the number of the preceding year. No instance has yet occured in which any of these 33 appealed causes have been revised by jury trial."

THE WEEKLY REGISTER.

No. 22 of vol. III.] BALTIMORE, SATURDAY, January 30, 1813. [whole no. 74.

Hæc olim meminisse juvabit.—Virgil.

Printed and published by H. Niles, South-st. next door to the Merchants' Coffee House, at $ 5 *per annum.*

British Parliament.

House of Lords, *November* 30, 1812.

This day the business of the session commenced with the usual formalities. Soon after 2 o'clock, his royal highness the Prince Regent arrived at the house attended by the great officers of state, &c. when the members of the house of commons being called in, his royal highness was pleased to deliver the following speech from the throne.

My Lords and Gentlemen,

It is with the deepest concern that I am obliged to announce to you, at the opening of this parliament, the continuance of his majesty's lamented indisposition and the diminution of the hopes, which I have most anxiously entertained of his recovery.

The situation of public affairs has induced me to take the earliest opportunity of meeting you after the late elections. I am persuaded you will cordially participate in the satisfaction which I derive from the improvement of our prospects during the course of the present year.

The valor and intrepidity displayed by his majesty's forces, and those of his allies in the Peninsula, on so many occasions during this campaign, and the consummate skill and judgment with which the operations have been conducted by general the marquis of Wellington, have led to consequences of the utmost importance to the common cause.

By transferring the war into the interior of Spain, and by the glorious and ever memorable victory obtained at Salamanca, he has compelled the enemy to raise the siege of Cadiz; and the southern provinces of that kingdom have been delivered from the power and arms of France.

Although I cannot but regret that the efforts of the enemy, combined with a view to one great operation, have rendered it necessary to withdraw from the siege of Burgos, and to evacuate Madrid, for the purpose of concentrating the main body of the allied forces; these efforts of the enemy have, nevertheless, been attended with important sacrifices on their part, which must materially contribute to extend the resources, and facilitate the exertions of the Spanish nation.

I am confident I may rely on your determination to continue to afford every aid in support of a contest, which has first given to the continent of Europe the example of persevering and successful resistance to the power of France, and on which not only the independence of the nations of the Peninsula, but the best interests of his majesty's dominions essentially depend.

I have great pleasure in communicating to you, that the relations of peace and friendship have been restored between his majesty and the courts of St. Petersburg and Stockholm.

I have directed copies of the treaties to be laid before you.

In a contest for his own sovereign rights, and for the independence of his dominions, the emperor of Russia has had to oppose a large proportion of the military power of the French government, assisted by its allies, and by the tributary states dependent upon it.

The resistance which he has opposed to so formidable a combination, cannot fail to excite sentiments of lasting admiration.

By his own magnanimity and perseverance; by the zeal and disinterestedness of all ranks of his subjects; and by the gallantry, firmness and intrepidity of his forces, the presumptuous expectations of the enemy have been signally disappointed.

The enthusiasm of the Russian nation has increased with the difficulties of the contest, and with the dangers with which they were surrounded. They have submitted to sacrifices of which there are few examples in the history of the world; and I indulge the confident hope, that the determined perseverance of his imperial majesty will be crowned with ultimate success; and that this contest, in its result, will have the effect of establishing, upon a foundation never to be shaken, the security and independence of the Russian empire.

The proof of confidence which I have received from his imperial majesty, in the measure which he has adopted of sending his fleets to the ports of this country, is in the highest degree gratifying to me; and his imperial majesty may most fully rely on my fixed determination to afford him the most cordial support in the great contest in which he is engaged.

I have the satisfaction further to acquaint you, that I have concluded a treaty with his Sicilian majesty, supplementary to the treaties of 1808 and 1809.

As soon as the ratifications shall have been exchanged, I will direct a copy of this treaty to be laid before you.

My object has been to provide for the more extensive application of the military force of the Sicilian government to offensive operations; a measure, which combined with the liberal and enlightened principles which happily prevail in the councils of his Sicilian majesty, is calculated, I trust, to augment his power and resources, and at the same time to render them essentially serviceable to the common cause.

In considering the variety of interests which are connected with this important subject, I rely on your wisdom for making such an arrangement as may best promote the prosperity of the British possessions in that quarter, and at the same time secure the greatest advantages to the commerce and revenue of his majesty's dominions.

I have derived great satisfaction from the success of the measures which have been adopted for suppressing the spirit of outrage and insubordination which had appeared in some parts of the country; and from the disposition which has been manifested to take advantage of the indemnity held out to the deluded by the wisdom and benevolence of parliament.

I trust I never shall have occasion to lament the recurrence of atrocities so repugnant to the British character; and that all his majesty's subjects will be impressed with the conviction, that the happiness of individuals, and the welfare of the state, equally depend upon a strict obedience to the laws, and an attachment to our excellent constitution.

In the loyalty of his majesty's people, and in the wisdom of parliament, I have reason to place the

fullest confidence. The same firmness and perseverance which have been manifested on so many and such trying occasions, will not, I am persuaded, be wanting at a time when the eyes of all Europe, and of the world, are fixed upon you. I can assure you, that in the exercise of the great trust reposed in me, I have no sentiment so near my heart as the desire to promote, by every means in my power, the real prosperity and lasting happiness of his majesty's subjects.

The declaration of war by the American government, was made under circumstances which might have afforded a reasonable expectation that the amicable relations between the two nations would not be long interrupted. It is with sincere regret that I am obliged to acquaint you, that the conduct and pretensions of that government have hitherto prevented the conclusion of any pacific arrangement.

Their measures of hostility have been principally directed against the adjoining British provinces, and every effort has been made to seduce the inhabitants of them from their allegiance to his majesty.

The proofs, however, which I have received of loyalty and attachment from his majesty's subjects in North America are highly satisfactory.

The attempts of the enemy to invade Upper Canada have not only proved abortive, but by the judicious arrangements of the governor-general, and by the skill and decision with which the military operations have been conducted, the forces of the enemy assembled for that purpose in one quarter, have been compelled to capitulate, and in another have been completely defeated.

My best efforts are not wanting for the restoration of the relation of peace and amity between the two countries; but until this object can be attained without sacrificing the maritime rights of Great Britain, I shall rely upon your cordial support in a vigorous prosecution of the war.

Gentlemen of the House of Commons,

I have directed the estimates for the services of the ensuing year to be laid before you, and I entertain no doubt of your readiness to furnish such supplies as may enable me to provide for the great interests committed to my charge, and afford the best prospect of bringing the contest in which his majesty is engaged to a successful termination.

My Lords and Gentlemen,

The approaching expiration of the charter of the East India company renders it necessary that I should call your early attention to the propriety of providing effectually for the future government of the provinces of India.

After the Prince Regent had retired, an interesting debate took place in the house of lords, on a motion of lord Longford to move an address; who, in the course of his remarks, merely adverted to the war with America.

The address to the prince was seconded by lord Rolle.

The marquis of Wellesley took an able view of the speech, and in adverting to the war with America, he said, "No attack could be more unjustifiable than that made by America, and that no cause could be more righteous than that of England." He denied that the orders in council was the cause of this war. "No, said he, it was upon far different things—it was upon high and mighty interests of the British empire: interests which we could not move without throwing the trident of the ocean into the hands of America. America, said he, was not to be soothed and fondled into peace—the heads of that government had long been influenced by a deadly hatred to this country, and (unusual as the epithet was) by a deadly love to France. Our policy was plain—our wisest, nay our most pacific measure would be, to show ourselves ready for the emergency—to present in front of America a force, which would make her feel her danger, and feel the importance of purchasing her safety by peace—What had we done? Nothing—nothing to intimidate—nothing to punish—nothing to interest her weakness or her wisdom. If there was any hope of putting a speedy end to the war, it was to be accomplished by boldness and decision, by making the effort while it was still in our power, and by turning upon that war some part of the grand and superabundant strength of our country."

Lord Liverpool followed—He coincided with the noble lord, as to the hostile dispositions of the American government—but denied that their hostilities had been inadequately met.—This however, said he, would form a topic for future discussion.

Lord Grenville rose—on the subject of America' he said,

"As to America, he could not express his astonishment, his indignation at the language of those who professed to say, that the abandonment of the orders in council would necessarily lead to a restoration of peace. There was indeed a time when such a concession on our part would not only have achieved peace, but alliance between the two countries—but it was the blind opinion of the noble earl, and of a statesman of his stamp, that concession never came too late—and this, notwithstanding the historical experience of our first fatal contest with America, where every year concessions where made in vain, which, if duly timed, would have been received with gratitude. He thought the house was indecently called upon in the address to pledge themselves to the prosecution of this war, though not a document was produced to prove the justice of such a measure—on this subject he must say, that though he wished for peace, he would not consent to sacrifice one maritime right of the country—but this view only aggravated the guilt of those men who had unnecessarily plunged us into such a state of things."

The address was agreed to without a division.

In the house of commons an address to the prince was moved by lord Clive. He said, "Every person must regret the war with America, and rejoice at the declaration of the prince regent, that the earliest opportunity would be taken to restore amity between the two countries."

Mr. Hart Davis seconded the motion, and when the question was putting, Mr. Canning rose, and of America he said, "it was his sincere and anxious wish, that two nations so related to each other, by consanguinity, by one common language, and by mutual interests, as Great Britain and America, should not only be in alliance—but, when disputes ran to so great an extent, when once the die was cast, and hostilities had commenced, it became this country to be more prompt, by every exertion in our power, to bring the struggles of war to a speedy conclusion—He would go to the extremest verge of forbearance to keep peace, but he would not dilute his war measures into a weak and sickly regimen, unfit for the vigor of the occasion. He would not convert the acute distemper of war into a chronic distemper, and incorporate it with the system. The present dispute had grown up with petty profits and small gains, till at last actual war was fixed upon us. Two years ago, to have prophesied that after six months open war between America and England, America should boast the only naval trophy, and that we could only say that we had not been conquered! An

Englishman would have resented such a prophecy as an insult. He could not consider our military success in America as matter of great triumph—He never supposed we should be conquered by America—He never could have thought that the mighty navy of England would have slept while her commerce was swept from the seas, and that at the end of 6 months we should be found proclaiming a speech from the throne, that the time had at length come to be active and energetic, and to shew England and the world that England is what England was Never that we should send our ambassador with our ships to our own North American towns and attack the American ports with our flags of truce. There might, however, remain circumstances yet to be disclosed to account for all this; but he would say, that on the face of appearance, and on the declaration of war, there was evidently a studied determination to postpone the period of all accommodation. As for the desire of America to get possession of Canada, it was a project which he thought not likely to be frowned upon severely, even by these parties in America which were considered friendly to us. When urged upon the subject, I know that ministers will reply, that their motives for clinging to the last to conciliation, were two-fold. 1st. That they had friends in the United States. 2d. That before we venture on hostilities, we ought to take care that we are indisputably in the right. In both these points I concur, for I have ever thought, that the most splendid victories, which ever glittered on the page of history were tarnished and obscured, if justice did not hallow the cause in which they were achieved. I admit that it is also right to temper your conduct by a consideration of the party that favors your cause in the hostile state. In regard to the United States, this rule ought to be observed, and we ought to pay attention to those who are called good Englishmen, not meaning to deny that they are good Americans; but who hold the opinion, that an alliance with England is preferable to a treaty with France. But are we quite sure, that by this system of mitigated hostility, we are not playing the game of the party opposed to us, and defeating the efforts of our friends? I cannot help thinking that we injure our own cause by this dubious pusillanimity, and here let me observe, that I do not speak from mere conjecture; for I will read to the house a part of a speech of one of our warmest advocates beyond the waters of the Atlantic. He is prophecying to his countrymen the horrors and misery that will be occasioned by a war with Great Britain, none of which predictions have been verified by the indecision of our government. The inevitable consequence is, that the British party in the United States were ridiculed and contemned as gloomy prognosticators of evils, that have not and will not be endured. He first points out the defenceless state of their whole maritime frontier, and tells the house of representatives, "that they who calculate on the forbearance of the enemy, will too late, find themselves deceived." Have they been deceived? No. The British government has done, and perhaps will do nothing. [Hear, hear, hear.] He proceeds, "if we are not already prepared to defend our seaports, the enemy will not wait until we are prepared." What attack has been made, and what might not have been accomplished! [Hear, hear!] He then, at some length ridicules the idea, that once the dreadful and irrecoverable step is taken, England will allow any interval for preparing for hostilities; "a fleet," he says, "would sail round our coasts, destroy our towns and annihilate our trade." Where is this fleet, and where is the destruction of their trade? Has not our own fallen a victim to their privateers. [Hear, hear, hear!]

Lord Castlereagh followed, and denied, that ministers had conducted the war with America upon any principle of forbearance. He said "it had been conducted with all the means, both naval and military, which the country could have spared from other objects," &c.—"he wished as much as any man that peace could be maintained with America, but if she was determined to throw off all those ties, which this country held dear, and which the common interests required, he must deplore that determination, but it was not in the power of his majesty's ministers to prevent it."

Mr. Whitbread, after speaking of the wars of Russia and Spain said, "the war with America, he could not help thinking as most fatal and calamitous to the interests of Great Britain, and as most likely to cut the sinews of her force and energies which would otherwise be more happily employed. He wished the noble lord were on his way with Joel Barlow for the purpose of entering into negociations of peace"—and concluded, (after noticing the tardy measures taken to prevent the war with America) by "entreating the house not to suffer the present moment to pass without converting it into the happy instrument of the re-establishment of peace," observing, "that no dishonorable object could be imputed to Great Britain, Russia or France, by overtures for the general pacification of Europe."

Thursday.—Lord Liverpool said, it was not intended to move thanks for the surrender of Detroit in America; but to address the regency for a monument to the memory of the gallant officer who commanded; but who had since unfortunately fallen.—Adjourned.

TUESDAY, December 1, 1812.

Address on the question of the bringing up of the report of the address.

Mr. Choevey objected to it, till farther time was given for the consideration of the subject contained in it.

Mr. Freemantle rose, and went through all the topics mentioned in the address; he particularly insisted that the prospects of the campaign in Spain were not so favorable as at the beginning of the last session; and as to America, he thought that the ministers made but a poor justification of their delay and inactivity in the conduct of the war, by the statement of their hopes, that the abandonment of the orders in council would lead to a peace.

Mr. Robinson would not detain the house, as most of the observations of the honorable gentleman had been answered last night. As to America, he must correct an error into which the honorable gentleman had fallen, though his noble friend had last night put the matter in the clearest light. It was a mistake to suppose that there had been any delay or suspension of the war, in expectation of a peace. Orders were given to sweep the seas of all American vessels; there had been nothing like a relaxation of effort, though it was impossible to have at once, in all quarters of the world, an overwhelming force.—(*Hear, Hear.*)

Lord Milton could not avoid making some observations on that part of the speech which referred to America. No one could be insensible how much the prosperity of this country depended on the connection with America, and he rather feared ministers had unnecessarily plunged the country into a war with that nation. In fact, in all the negociations with America, it appeared to him that there was too much irritation on both sides. He was not afraid to say, that he feared that even on the part of the great personage at the head of our government, there

might be something of an hereditary irritation against the American people. If war was necessary, he did not approve of that mitigated warfare spoken of last night by a right honorable gentleman, but in the case of America, he really believed that there ought to have been no warfare at all.

Mr. Stephen said, that as an honorable gentleman (Mr. Whitbread) had pledged himself to give the house an early opportunity of discussing the whole of this American question, he should not trouble the house at any length on the subject. He could not avoid, however, when he heard the noble lord speaking of an hereditary irritation against America on the part of the head of our government, expressing his opinion, that this was a most unmerited censure on that august and venerable personage, who, for so many years, (lord Milton, across the house, told him, it was not to that personage he had alluded; and Mr. Stephen apologised for having misunderstood him.) The words of the speech were, however, now so fresh in the recollection of the house, that he thought they must evidently see, that there was nothing of irritation towards America in it. As to there having been equal irritation on both sides, in the negociations between the two governments, that he must absolutely deny. It had yesterday been objected to ministers, that they had not even published any declaration in answer to the American declaration of war.* He must, for himself, declare, that he never felt any irritation against America, or any wish to preserve peace with her; although he had felt it his duty for many years, both with his tongue and pen, to defend what he conceived the unbounded maritime rights of this country, and those interests on which he considered that the prosperity of our commerce, and the strength of our marine, mainly depended. Where was the conciliation on the part of the American government? Did gentlemen forget the taunting manner in which they received Mr. Erskine's proposals for accommodation; or the manner in which they had sent Mr. Jackson out of the country? Even when that great concession was made last year which the gentlemen on the other side had thought would heal all—when the orders in council were repealed, the intelligence of the disposition in this country to repeal these orders, was met by the American government by an intemperate message to the legislature, laying down all the principles of the duke of Bassano's letter, and even insisting that the American flag should make free goods. Now he would ask the noble lord, was he prepared to give up what we considered our maritime rights—the right of blockading our enemy's ports, and the right of taking British seamen out of American vessels! If he was not prepared to make these concessions which the American government insisted on, how was that government to have been conciliated? Mr. Stephen concluded by defending, at some length, the principles upon which he had always supported the orders in council.

Lord Castlereagh said he should for the present forbear from all discussion, and he rose to defend ministers from the supposition that they had at any time given an opinion, that America had a right to a particular revocation of the orders in council with respect to her on account of that document which pretended to be a revocation of the Berlin and Milan decrees with respect to America.

Mr. Canning was not at all desirous to prolong the debate, but felt it his duty to set himself right against some misconstructions of the sentiments he had delivered on the preceding night. His objection to the manner of carrying on hostilities against America, was not in reality to the peculiarity of forms, but to the want of a considerable portion of our naval and military strength on the coast of America, which might be enabled to effect real services, and hermetically seal her ports. Instead of dispatching a force of that description, sir John Warren's squadron had been actually made up in the British harbors there; and the only service performed by the ships under his command, was the conveying of a flag of truce to the executive government of America. When he had used the phrase, that our commerce was swept from the seas by the Americans, he evidently could be only understood as meaning, that when the relative naval means of the two countries were compared, the captures made by the Americans were much superior to our's, as we had one thousand ships of war, and they had only ten to contend with so vast a superiority on our part. He would not detain the house in refuting the fallacious estimate of the prosperity of our commerce, from the returns made of the exports of the port of London; but he should persist in repeating what he had maintained last night, that when America charged this country in a formal declaration, with the commission of acts degrading to its character and honor, the English government ought most decidedly to have refuted such charges, of which it was altogether incapable, by issuing a declaration no less formal and authentic. Mr. Canning after animadverting on the impolicy of our conduct with respect to America, in admitting the fictitious decree of repeal on the part of France, and that America possessed the right of separating herself from all nations, concluded with requesting the noble lord to inform him, what was the precise state of our relations with America, and whether we are at war or in negociation; or whether our state was that of half war or half negociation, and which half was likely to preponderate? as he thought, and he spoke with perfect sincerity, that a situation of uncertainty was worse than even that of a certainty of greater evils.

Lord Castlereagh maintained, at some length, that the orders in council, grounded as they were in the law of nations, had been in no instance departed from, in favor of the probable success of any negociations with America. The right hon. gentleman had asked him, what was the actual state of the relations between this country and America? He hesitated not to answer the right honorable gentleman, that they were placed in a state of war, never relaxed but when consistent with the best views of the country's interest. With respect to the proposition to which he alluded last night, as being still pending, he could say no more than he had already said; it was not determined, and therefore it would not be proper to produce any documents relative to it. The proposition had gone to a greater length than ministers had a right to expect; and when an answer favorable or unfavorable arrived, he would immediately lay it before the house.

Mr. Whitbread asked a question—the noble lord had said, that if a favorable or unfavorable answer should be received from America, he would immediately lay it before the house. How long did he mean to wait for that answer.

Lord Castlereagh answered, that whenever admiral Warren arrived, that any or no communication had been made to him on the subject, he would immediately lay it before the house.

* We should like to see *an answer* to the *American* manifesto; but do not expect one. The British cannot answer it; *it is unanswerable.*

A Statement of the Annual Expenditures of the United States,

From the commencement of the Federal Government until the 30th of September, 1812, comprising the nett amount for Expenditures, for the pay and subsistence of the Army, Fortifications of Ports and Harbors, Fabrication of Cannon, Purchase of Salt-Petre, Additional Arms, Arming and Equipping Militia, Detachment of Militia, Services of Militia, Services of Volunteers, Indian Treaties, Indian Trading Houses, Naval Department, Foreign Intercourse, Barbary Powers, Civil List, and Miscellaneous Civil.

	MILITARY DEPARTMENT.						INDIAN DEPARTMENT							
YEARS.	Pay and subsistence, &c. of the army.	Fortifications of ports and harbors.	Fabrication of cannon.	Arming and equipping militia.	Detachment of militia.	Total.	Treaties.	Trading houses.	Naval Department.	Foreign intercourse.	Barbary powers.	Civil list.	Miscellaneous civil.	Aggregate.
From 4th March, 1789, to 31st Dec. 1791,	632,804 03	-	-	-	-	632,804 03	27,000	-	570	1,733 33	13,000	757,134 45	285,837 56	1,718,129 37
1792,	1,100,702 09	-	-	-	-	1,100,702 09	13,648 83	-	53 2	78,766 67	-	386,917 58	191,938 94	1,766,077 15
1793,	1,130,249 08	-	-	-	-	1,130,249 08	27,282 83	-	-	89,500	-	338,241 8	102,075 20	1,707,348 28
1794,	2,397,047 93	42,049 66	-	-	-	2,639,097 59	13,642 46	-	61,408 97	146,403 51	-	440,946 53	199,449 9	3,500,348 20
1795,	2,399,136 63	81,773 50	-	-	-	2,480,910 13	21,475 68	2,000	410,562 3	912,685 12	-	361,633 36	161,330 13	4,350,596 45
1796,	1,234,502 58	25,761 26	-	-	-	1,260,263 84	55,563 98	53,000	274,784 4	109,739 64	75,120	417,139 5	251,319 85	2,531,930 40
1797,	999,311 88	40,090 78	-	-	-	1,039,402 66	32,296 38	30,000	382,631 89	172,504 23	407,284 31	433,233 70	196,137 79	2,833,590 96
1798,	1,823,565 96	185,956 34	-	-	-	2,009,522 30	16,470 09	-	1,381,347 76	242,711 22	214,717 52	504,605 17	253,849 48	4,623,223 54
1799,	2,295,819 56	171,127 42	-	-	-	2,466,946 98	20,302 19	-	2,858,681 84	199,374 11	72,000	592,905 76	270,555 84	6,430,166 72
1800,	2,444,878 77	116,000	-	-	-	2,560,878 77	31 22	-	3,448,716 3	185,145 33	210,142 85	748,688 45	257,767 32	7,411,369 97
1801,	1,587,934 08	85,000	-	-	-	1,672,944 08	9,000	-	2,111,424	139,851 73	155,825	549,288 31	343,336 78	4,981,669 90
1802,	1,048,135 7.	18,000	155,012 50	-	-	1,221,148 25	20,000	32,000	915,561 87	416,253 62	134,672 31	596,931 11	400,462 75	3,737,079 91
1803,	773,456 81	-	108,599 04	-	-	882,055 85	- -	-	1,215,230 53	1,001,968 34	108,866 43	526,583 12	268,119 97	4,002,824 24
1804,	938,923 93	-	-	-	-	938,923 93	53,000	-	1,189,832 75	1,129,591 62	57,063 95	624,795 63	459,651 3	4,402,858 91
1805,	768,281 28	-	-	-	-	768,281 28	41,000	100,000	1,597,500	2,655,769 62	142,259 15	585,849 79	466,574 78	6,357,234 62
1806,	1,383,555 38	-	-	-	-	1,383,555 38	-	75,000	1,649,641 44	1,613,922 9	146,499 21	684,230 53	527,360 71	6,030,209 36
1807,	1,094,285 91	225,000	-	-	70,000	1,389,285 91	60,825	44,000	1,722,064 47	419,845 61	157,980 73	655,524 65	535,046 52	4,984,572 89
1808,	1,766,434 40	1,075,000	-	100,000	100,000	3,041,434 40	70,725	2,250	1,884,067 80	214,233 26	90,759 57	621,167 80	509,701 2	6,504,338 85
1809,	2,365,772 17	655,000	-	-	-	3,470,772 17	169,150	43,353 84	2,427,758 80	74,913 12	91,387 92	712,465 13	424,866 16	7,414,672 14
1810,	1,851,923 94	428,000	-	110,000	-	2,389,923 94	58,225	23,800	1,654,244 20	48,795 60	32,571 83	703,994 3	399,527 63	5,311,082 28
1811,	1,837,828 19	95,000	-	190,000	-	2,122,828 19	57,725	4,150	1,965,566 39	181,745 15	83,158 32	644,467 27	532,963 54	5,592,604 86
From 1st January, to 30th Sept. 1812,	6,498,014 80	250,000	-	100,000	-	7,464,814 80	55,975	15,745	2,738,612 95	275,686 41	45,501 25	635,700 81	528,255 99	11,760,292 21
Total	38,572,575 15	3,493,758 96	263,611 54	500,000	170,000	44,066,745 65	822,838 68	430,298 84	29,889,660 78	10,311,145 33	2,328,810 40	12,686,493 36	7,566,228 17	108,102,221 21

Stated from the accounts of Receipts and Expenditures of the United States.

TREASURY DEPARTMENT,

Register's Office, January 10, 1813.

JOSEPH NOURSE, Register.

☞ In the total is included $150,000 expended in 1809 for the purchase of Salt-Petre, &c.;—$300,000 for arms, the same year;—$406,300 for the services of Militia, in 1812—and $210,000 for the services of Volunteers—which items we had not room to insert in their several columns, as in the *official* table.

Impressed Seamen.

The following message was received by both houses of congress, on Friday the 22d inst. from the President of the United States:

To the Senate and House of Representatives of the United States.

I transmit, for the information of congress, copies of a correspondence between John Mitchell, agent for American prisoners of war at Halifax, and the British admiral commanding at that station.

I transmit for the like purpose copies of a letter from commodore Rodgers to the secretary of the navy. JAMES MADISON.

January 22, 1813.

Extract of a letter from John Mitchell, esq. agent for American prisoners of war, at Halifax, to the secretary of state, dated

DECEMBER 5, 1812.

"I cover you a copy of a correspondence, which took place in consequence of different applications I received, either by letter or personally, from persons detained on board his Britannic majesty's ships of war in this place.

"I formerly mentioned to you that the admiral had assured me, that he would discharge all the citizens of the United States who were in the fleet, and actually did discharge several. This induced me to think I should be correct, and in the perfect line of my duty, in sending him a list of the applicants to me, and requesting an enquiry to be made, and discharges granted to all who were citizens of the United States; I, therefore, covered him a list of the names now enclosed to you, which produced his letter to me of the same date (1st Dec. 1812.)

"I read it with surprise, because some of the men had informed me their captains had refused to report them to the admiral. Now, if no one here was or is allowed to do it, their situation is hopeless.

"It is not my place, sir, to reason with you on this business. *Proof of nativity*, in his first letter, is a strong expression: and how few are in possession of it, and how many who cannot obtain it.

"The second paragraph, in the second letter, prevents my interfering; and I have since been obliged to send a man away, requesting him to apply to his commanding officer."

Copy of a letter from John Mitchell, esq. agent for American prisoners of war, at Halifax, to admiral sir John Borlase Warren, dated

DECEMBER 1st, 1812.

SIR—Since the sailings of the last cartels, in which you were pleased to send home several Americans, who had been in his Britannic majesty's service, others, who are now on board of the Centurion and Statira, have requested of me to procure their discharge and to be sent home.

Will you, sir, have the goodness to direct an inquiry, and order the release of such as are citizens of the United States?

Besides the enclosed list, I am told there are others whose names I have not.

I have the honor to be, &c.

(Signed) JOHN MITCHELL,
Agent, &c. &c.

Copy of a letter from admiral sir John Borlase Warren, to John Mitchell, esq. agent for American prisoners of war, at Halifax, dated

DECEMBER 1st, 1812.

SIR—I have the honor to acknowledge the receipt of your letter of this date, respecting some men, therein mentioned, on board his majesty's ships under my command, said to be citizens of the United States, and in reply, beg to acquaint you, that whenever I have received representations from the captains of his majesty's ships of any part of their crews being citizens of America, with sufficient proof of their nativity, I have directed their discharge from the service.

I must observe to you, that I cannot permit the interference of any applications from men belonging to his majesty's ships, but through their commanding officers; and in your department, of prisoners of war only, I shall at all times be most happy to receive your communications.

I have the honor to be, &c.

(Signed) JOHN BORLASE WARREN.

Copy of a letter from John Mitchell, esq. agent for American prisoners of war, at Halifax, to admiral sir John Borlase Warren, dated

DECEMBER 3d, 1812.

SIR—I had yesterday the honor to receive your letter, dated the 1st inst. and observed that you cannot permit the interference of any application from men on board his Britannic majesty's ships of war, but through their commanding officers.

Desirous of conforming, as far as possible, to established regulations, permit me the honor to enquire of your excellency, if by your letter I am to understand that I am not to receive the applications of seamen declaring themselves citizens of the United States, who are on board of his majesty's ships of war, and communicate the same to you? If this is the meaning, I shall most certainly conform, tho' I must lament the regulation.

I have the honor to be, &c.

(Signed) JOHN MITCHELL,
Agent, &c. &c.

Copy of a letter from admiral sir John Borlase Warren, to John Mitchell, esq. agent for American prisoners of war, at Halifax, dated

DECEMBER 4th, 1812.

SIR—In reply to your letter, dated yesterday, I have to acquaint you that whenever any address is made relative to men on board his majesty's ships, it must be by the commanders of such vessels direct.

I cannot permit any application by other persons, in time of war, but in the above mode.

It will always afford me pleasure to attend to your wishes in any respect relative to the situation or exchange of prisoners, or to afford any aid or relief in my power.

I have the honor to be, &c.

(Signed) JOHN BORLASE WARREN.

From Com. Rodgers to the Secretary of the Navy.

U. S. FRIGATE PRESIDENT,

Boston, January 14, 1813.

SIR—Herewith you will receive two muster books, of his Britannic majesty's vessels Moselle and Sappho, found on board the British packet Swallow.

As the British have always denied that they detained on board their ships of war American citizens, knowing them to be such, I send you the enclosed, as a public document of their own, to prove how illy such an assertion accords with their practice.

It will appear by these two muster books that so late as *August* last, about an *eighth* part of the Moselle and Sappho's crews were *Americans:* consequently, if there is only a quarter part of that proportion on board their other vessels, that they have an infinitely greater number of Americans in their service than any *American* has yet had an idea of.

Any farther comment of mine on this subject, I consider unnecessary; as the enclosed documents speak too plainly for themselves.

I have the honor to be, &c.

(Signed) JNO. RODGERS.

The honorable Paul Hamilton,
Secretary of the Navy.

The message and documents were read and referred to the committee of foreign relations.

Finances of Virginia.

HOUSE OF REPRESENTATIVES—*Saturday Jan. 6.*

The speaker laid before the house a letter from the treasurer, inclosing his account with the commonwealth, between the first day of January, and the 31st day of December, 1812, inclusive; which account was read as follows:

The public treasury between the 1st day of January and the 31st day of December, 1812.

			DR.
To balance in the treasury, as per settlement made on the 1st of January, 1812,			212,440 21
Received from that period, viz:			
On account of the revenue tax of 1812,	258,045	56	
Of the arrearages of taxes,	21,256	18	
From clerks and notaries,	30,628	81	
Divers persons on sundry accounts,	23,932	75	
Inspectors of tobacco,	5,427	87	
On account of militia fines,	2,663	87	
From the Bank of Virginia,	36,000		
Register of the land office,	2,818	27	
Agents for the Penitentiary,	13,444	86	
For the redemption of land,	6,184	36	
Purchase of unappropriated land,	1,238	70	
			401,606 23
			614,046 44

CR.

By disbursement and discounts from the 1st day of January to the 31st day of December, 1812, both days included, as appears by the receipts and corresponding vouchers, which were examined and compared by the joint committee of both houses of the legislature, as follows:

Expences of the general assembly,	61,805 05
Officers of government,	71,419 68
Officers of militia,	5,601 64
Militia fine fund,	5,632 74
Criminal charges and guards in the country,	24,929 28
Removing criminals to the Penitentiary,	3,479 77
Internal charges of the Penitentiary and officers' salaries,	12,146 16
Slaves executed and transported,	5,533 33
Lunatic Hospital,	8,120 44
Public guard in the city of Richmond	8,402 28
Eighth instalment to the bank of Virginia,	33,600 00
Interest on public debt,	5,447 31
Pensioners,	5,346 42
Commissioners of the revenue,	17,866 39
Manufactory of arms,	69,200 00
Rifles made under contract,	2,085 00
Lead and materials for powder,	3,119 28
Clerks' and Sheriffs' fees,	661 21
Public services of circuit court clerks,	2,829 20
Election of President and Vice-President,	890 07
Representation to congress and state senate,	248 92
Gun-carriages and expense of repairing arms,	4,291 88
215 rifles exceeding the number directed by law,	4,410 20
Distribution of public arms,	10,541 62
Literary fund,	17,991 65
Repairs of public warehouses,	2,290 93
Contingent expences,	15,289 61
Warrants not provided for,	1,430 46
Special acts of assembly,	47,494 29
Wolf scalps,	197 00
Certificates, discounted,	736 72
	453,047 36

Total of receipts,	614,046 44
Account of disbursements,	453,047 36
Balance in the treasury, 31st Dec. 1812, *dolls.*	160,999 08

J. PRESTON, *Treasurer.*

Legislature of Pennsylvania.

MR. GEMMIL'S RESOLUTIONS.

A motion was made by Mr. *Gemmil* and Mr. *Fraim*, and read as follows, viz.

Viewing the present state of our foreign relations, we, with astonishment and regret, behold the emperor of the French, withholding from our country, those indemnifications which ought to have been rendered with liberality and promptness.

After the *injustice* of Great Britain had, by long continued practice, acquired the name of *right*; after the forbearance and negociating policy of the American government, had assumed the appearance of *cowardice*—war is reluctantly, unavoidably, but decisively declared.

Animated by the most sincere love of peace, the president of the United States, in the same despatch, announces to the British government, the existence of war, and the equitable, easy, and honorable means, by which its progress might be arrested, and its calamities permanently prevented.

But this extraordinary proof of a humane and pacific disposition is treated with contempt. Familiarized to the slaughter of man around the globe, the British government prefers the effusion of human blood, to a suspension of the inhuman practice of impressment, even during the short space of an armistice agreed on for the purpose of negociating a just and honorable peace; nay, notwithstanding the offer made by the government of the United States, to exclude British subjects from our merchantmen and navy.

But what atrocities are too enormous to be found in that government, whose characteristical features are cruelty and perfidy; which stimulates the savage to drench his tomahawk and scalping knife in the blood of our frontier men, women and infants; which, making the most solemn professions of friendship and peace, strives, by the malignant breath of its secret emissaries, to kindle in our nation, dissatisfaction, discord, rebellion and civil war, with all its sanguinary and horrible consequences! Thus is extinguished, in the American government, and in every American bosom, the last hope of finding in the conduct of Great Britain toward the U. States, a single voluntary act of justice or humanity.

Impressed with these considerations, and with others of a collateral and subordinate nature: *We, the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met,* do adopt the following resolutions:

Resolved, That the declaration of war against the united kingdom of Great Britain and Ireland, issued by the general government, on the 18th of June last, was the result of solemn deliberation, sound wisdom, and imperious necessity.

Resolved, That the sword being drawn, should never be sheathed till our wrongs are redressed, our commerce unfettered, and our citizens freed from the danger of British impressment, of imprisonment, in the floating dungeons of the British navy, and the painful necessity of fighting the battles of an inveterate enemy against their fathers, their brethren, their native country, and their friends.

Resolved, That to exert all the energies of his body, of his mind, and to devote his property, to bring the existing war to a speedy, just and honorable issue, and to teach our insolent foe, that the Americans are as free from timidity and weakness in battle, as from *covert* and *disguise* in negociating, is a duty, which every citizen of the union, owes to himself, to his country, and to his God.

Resolved, That with painful regret, we contemplate the refusal, by the executive authorties of some of the states in the union, to furnish, on the president's demand, their quota of militia for the defence of the sea-coast: and that with confidence we expect from the national legislature a prompt attention to this alarming and unprecedented occurrence.

Resolved, That the promptness, and the zeal, and the wisdom, with which the governor of this commonwealth executed the military orders of the pre-

sident, since the commencement of hostilities, entitle him to the gratitude of this general assembly, of Pennsylvania, and of the nation.

Resolved, That the governor of this commonwealth be instructed to transmit a copy of these resolutions to the president of the United States, with a request that he communicate them to congress.

JOHN TODD,
Speaker of the house of representatives.
P. C. LANE,
Speaker of the senate.

In senate, Dec. 10, 1812. Read and adopted.
JOSEPH A. M'JIMSEY,
Clerk of the senate.

In the house of representatives,
December 16, 1812. Read and adopted.
Attest, GEO. HECKERT,
Clerk of the house of representatives

Events of the War.

It is rumored—that a grand jury in the district of Columbia have found bills of *high treason* against two late accredited *British* agents, a charge des affaires and a consul. *It is further stated* that an extensive and traiterous combination has been traced, which implicates several men of pretty high standing in some of our cities on the sea-coast. *It is supposed* that the late secret sittings of congress had reference to these matters; and *intimated* that the circumstances of guilt are well established. Of these matters we do not *pretend* to know any thing, and give the rumors *as they are*, chiefly to say—*they are rumors.* We have only to add, "*Fiat Justicia ruat cœlum.*"

If there is any truth in these reports we shall soon hear more about them.

MILITARY.

The bill for raising an additional military force of 20,000 men, has passed both houses of congress.

A western paper states, that 8000 effectives are in motion for the Rapids (of the Miami) 78 miles from Detroit, where the whole force is to be concentrated. Great supplies of provisions and stores were but a short distance in rear of the army, with the means of conveyance at hand.

Another expedition is contemplated to be immediately made against the Western Indians, to consist of 500 mounted infantry volunteers. A meeting was to be held at *Zanesville* on the 6th inst. to organize one of the companies for this daring and arduous service.

Col. *Lewis Cass*, of the Ohio volunteers, has been elected a major-general of the militia of that state.

It is rumored that brigadier-general Boyd is to have the command at *Buffaloe*, &c.

No specie being to be had, the British government has remitted to *Canada, eight hundred thousand pounds* sterling IN PAPER, to carry on the war. This mighty sum will inundate the colony, and a great depreciation will follow. The bait will be tempting, and great exertions will be made to negociate it in the *United States;* which we trust a good look-out will be kept to prevent.

GENERAL COURT MARTIAL.

We understand (says the Aurora) that a general court martial will assemble in this city [Philadelphia] on the 25th day of February next, for the trial of brigadier general W. Hull, and that the court is to be composed of the following members:

President.—Brigadier-general Wade Hampton.

Members—Brigadier-general Jos. Bloomfield; brigadier-general J. P. Boyd; brigadier-general H. Burbec; colonel G. Izard, artillery; colonel A. Macomb, artillery, colonel J. Burn, cavalry; colonel J. Simonds, infantry; colonel J. Kingsberry, infantry; colonel T. Parker, infantry; colonel H. Brady, infantry; colonel W. H. Winder, infantry; colonel P. P. Schuyler, infantry.

Supernumeraries.—Lieutenant colonel W. Scott, artillery; lieutenant-colonel J. Chrystie, infantry; lieutenant colonel R. Dennis, infantry.

Judge Advocate.—A. J. Dallas, Esq.

To all whom it may concern.—The state of hostility which exists between the kingdom of Great Britain and the United States, makes it necessary that the intercourse which may take place between this country and the adjacent province of Canada, should be regulated on the principles which govern belligerent nations. I have had it in charge from the commanding general Chandler, that no person should be permitted to pass in or out of Canada, without his permission, or in his absence, the permission of the commandant of the district of Champlain. This order has been communicated to the commanding officer on the lines, and will be strenuously enforced.

Some members of the community have been found so void of all sense of honor—love of country, or any other principle which has governed the virtuous of all nations and ages, as to "hold correspondence with, and give intelligence to our enemies:" It therefore becomes my duty to put the laws in full force. The two following sections of the rules and articles of war, which are equally binding on the citizen as the soldier, are published for the information of the public, that no one may plead ignorance; as from this time henceforward, they shall be enforced with the greatest severity.

"ART 56. Whosoever shall relieve the enemy with money, victuals or ammunition, or shall knowingly harbor or protect an enemy, shall suffer DEATH, or such other punishment as shall be ordered by the sentence of a court martial

"ART. 57. Whosoever shall be convicted of holding correspondence with, or giving intelligence to the enemy, either directly or indirectly, shall suffer DEATH, or such other punishment, as shall be ordered by the sentence of a court martial.

Z. M. PIKE, *Col. 15th regt. inf.*
Commanding West Lake Champlain.

NAVAL.

It now turns out, according to those oracles of truth, the *London* papers, that the *Frolic* was captured by the *American frigate Hornet!*

The blockade of *New-York* continues. During the last week the United States flotilla under the command of commodore *Lewis* attempted to proceed to *Sandy Hook*, but were prevented by the ice, and considerably damaged

It is expected the British will make a desperate attack upon our little fleet in *Sackett's Harbor*, that they may resume the command of the lake. They will be warmly received by commodore *Chauncey.*

The Montgomery privateer of *Salem* in the *night* of the 6th of December had a tremendous fight with a British government vessel, supposed to be a packet from Surrinam. They lay "*board and board,*" for fifty-one minutes, and neither could board the other, so brave was the resistance on both sides. The British vessel appeared full of men, from the heavy and regular platoons discharged into the Montgomery. She had three men killed and fourteen wounded, one since dead. From the account we have of this engagement it appears to have been of the most desperate and determined character. The following are some of the particulars from a *Salem* paper—"When the British brig laid the Montgomery on board, her bobstay was instantly lashed to the Montgomery's main-mast by some of the privateer's people. Capt. Upton himself wrested from the hands of the enemy several of the instruments of death aimed for his destruction. [*This was surely the 'tug of war.'*] Th

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damage sustained by the enemy must have been great, one of the Montgomery's 18 pounders, double shotted, being repeatedly discharged into the bows of the enemy between wind and water; which stove them in badly, and set her on fire inside, and her pumps were going briskly at the time they separated. She mounted 18 guns, supposed to be 18 pounders, and very strongly manned—she was judged to be about 350 tons burthen, the Montgomery is only about 190 tons. The superior height of the British vessel gave her great advantage over the Montgomery; and destructive as her fire was on board the latter, it is thought to have been less so than it might have been by day-light, when objects would have been distinctly marked. From the damage which the British vessel sustained, she must have been in great hazard after the action, and guns were afterwards heard as signals of distress."

A very unfortunate incident occurred in the harbor of *Provincetown*, on the hook of *Cape Cod*. The privateer *Anaconda*, of New-York, was lying there for the purpose of obtaining a few hands. Commodore *Rodgers* had fitted out and manned a schooner (the *Commodore Hull*) and given the command of her to lieut. *Newcomb*, of the United States navy, for the chief purpose of checking the depredations of the British privateer, the *Liverpool Packet*. The schr. entered the harbor, close aboard the *Anaconda*, without colors. The captain of the latter was on shore; but the first officer, alarmed at the appearance of the *Commodore Hull*, called all hands to quarters, and prepared for battle. Each appears to have regarded the other as an enemy. An officer, from the schooner being sent on board the privateer, and refusing to give such information as was deemed satisfactory, was detained. An officer from the *Anaconda* was then sent to the *Commodore Hull*, but her commander refused to exhibit his commission, saying he was not obliged to shew it to the captain of a privateer. On which, one gun was ordered to be fired from the *Anaconda*—but the crew, misconceiving the orders and being impetuous, fired three guns, before they could be restrained. The consequence was that lieut. *Newcomb* was wounded in the face, severely, and two other men injured; and the balls and grape shot passed into the town, but fortunately without further damage. The first officer of the *Anaconda* was arrested by order of commodore *Rodgers*, and a regular investigation will be had, which shall be duly noticed. The foregoing may suffice in the mean time, and is substantially true, *as the facts are stated by adverse parties*.

A letter received in New-York, which appears entitled to full credit as it indeed states a most probable fact, says—that the emperor of France has issued orders to admit into his ports all prizes made by Americans, on the same terms as if captured by the French. This fact duly ascertained—the *British channel* is filled with privateers, though they have "a thousand ships of war."

The *British* are said to be building two vessels of war on lake *Ontario*.

The French ship Tamerlane, mentioned in our last, was blown off the middle ground, and drifted on the shoals at the entrance of the capes of the Chesapeake. The British on board (a lieut. and 24 men) conceiving their situation extremely hazardous the *Tartarus* with the whole squadron having gone and left them to shift for themselves, landed at Lynhaven-beach, and surrendered themselves prisoners of war to the first person they met. They have arrived at Norfolk. The amount of property saved is not stated—the ship now lies on her beam ends and is expected to go to pieces with the first easterly gale. The *British* landed a part of the French crew on *cape Charles*, but they carried off the captain and pilot (Mr. *Skelton* of Hampton) the *latter in irons*.

Among the crews of the American vessels detained in the river [Thames] says a London paper of November 16, several prime *English* seamen were discovered, who have been sent to the navy.

The Ramillies, of 74 guns, sir Thomas Hardy, the Victorious, 74, captain Talbot, and the large new frigate Surprize, sir Thomas Cochran are among the ships destined for our coast. The Elephant, of 74, has sailed.

Admiral *Warren* has on board his ship the *St. Domingo* an *American* pilot, who receives 11*s*. per day for his treason. We trust he may reach a more *exalted* station.

It is stated that two vessels under the *American* flag have committed some disgraceful outrages on the coasts of the *Spanish* main.

The U. S. frigate *Constellation* is at Annapolis.

By an arrival from England it appears that several *American* vessels are about to leave that country with cargoes, for the United States!

A French privateer, brig Venus, has put into Norfolk in distress; having carried away some of her spars, and being short of provisions.

We may expect several French vessels of war immediately on our coast. Five fast sailing frigates sailed from Bordeaux and Nantz 10 days before the schr. Flash, left the latter, and she has arrived at New-York.

The ship Walter, on a voyage from St. Jago de Cuba for New Orleans, has arrived at Savannah. She was captured by the Narcissus frigate. All her crew, the captain, cook and a boy, excepted, were taken out, and a prize master and seven men put on board. Capt. *Whitney* retook the vessel and brought her safe into port!

The house of representatives of Pennsylvania have passed a bill for building a frigate at Philadelphia, to be called the *Pennsylvania*; and a 20 gun ship at Presqu'isle on lake *Erie*, to be called the *Presqu'isle*; the former to be ready for service by the 1st of December next, and the latter by the 1st of July—for the use of the United States.

Extract of a letter dated Laguira, Dec. 13, 1812.

"On the 9th Dec. the private armed schr. Saratoga, commanded by capt. Charles W. Wooster, made her appearance off this place; the same day the 1st lieut. came on shore, who said they were 24 days from New-York, and had seen nothing. On the 10th, capt. Wooster ran down and anchored in the Roads, but in a few minutes was advised in a note from the American consul, to weigh and keep out of the reach of the batteries, as the commandant had said he would sink her if she came too; he immediately complied with this advice and stood off; he soon discovered a schooner standing down the coast, and some miles to windward of Laguira, he boarded and captured her—she was a schooner with dry goods on board to the amount of $20,000. The next day, at 9 A. M. after the fog cleared off, we saw the Saratoga some miles to leeward, in shore of a brig, but neither near enough to fetch in. At 11 A. M. the brig tacked off shore, and soon after the schooner did the same. It was known on shore the brig was well armed and manned, and was generally believed would take the Saratoga, or at all events beat her off. The inhabitants all left their business, from the commandant to the beggar, to see the engagement. The brig being so far from the schooner, it was some time before she came up with her. They being so far off, we could but just discern them from the house tops; and just as we had given up all hopes of seeing the battle, we discovered they both tack-

ed in shore again. They continued standing in until within two leagues of the town, when the Saratoga commenced the action from her starboard bow guns, which was returned from the brig's larboard quarter. The action now became furious, so that both vessels were hid from us in columns of fire and smoke; but in a few minutes the firing ceased. When the smoke cleared off we could see no other colors flying except the American, on board the Saratoga, which was victorious; and may it always remain so. On the 13th, the second mate and 25 seamen arrived at Laguira, in the brig's long boat, which captain Wooster had given them, together with every article belonging to them. The second mate was the only officer that was alive after the action, there being great slaughter on board the brig. On board the Saratoga they had but one man slightly wounded.—The brig was the Rachel, from Greenock, mounting 12 long nine pounders, and carrying 60 men; she has on board a cargo of dry goods, &c. invoiced at £15,000 sterling. [*Nat. Adv.*

PROVIDENCE, *Jan.* 22, 1813.

"The sloop Merit from this place bound to Virginia, with a load of produce, was captured by the British squadron, and the captain (Benedick Arnold) taken out and a midshipman and four seamen put on board and ordered for Halifax—when passing Montaug point, it blowing fresh, the mate advised the prize-master to make a harbor until good weather; he agreed, and left it to the mate to pilot her, which he did so successfully, that he run her under the fort at Newport, before the prize-master discovered where he was, it being in the night."

American Prizes.

WEEKLY LIST—CONTINUED FROM PAGE 334.

"The winds and seas are Britain's wide domain,
"And not a sail, but by *permission*, spreads!"
British Naval Register.

320. Schooner Swift, of Plymouth, Eng. from St. Michaels, taken by the Rolla, of Baltimore, and burnt. ☞ In a severe gale of wind, capt. Dewley was compelled to throw over-board all his guns *but one*—but the crew, 60 in number, determined to continue the cruise. Near Madeira, from the 12th to the 15th of Dec. without the loss of one man, the Rolla captured, manned and ordered for the first port, the followed immensely valuable vessels, being a part of the *Cork* fleet:

1. Ship Mary, 14 guns, of Bristol, laden with hardware, crates, &c.
2. Ship Eliza, 10 guns, of do. laden with 20,000 bushels of wheat.
3. Ship Rayonover, 18 guns, of London, laden wholly with dry goods.
4. Ship Apollo, 10 guns, deeply laden with *king's* stores.
5. Brig Boroso, 6 guns, of Cork, laden with dry goods, beef and candles.
6. Schooner ———, ——, of Aberdeen, given up to discharge the prisoners. Grand total—*seven* vessels, 58 cannon, 150 prisoners, and property worth between two and three millions of dollars. Farther notice shall be taken of these vessels, if they safely arrive.—☞ Shall the men that *dare* such deeds as these be stolen from their country?—No—"IMPRESSMENT MUST CEASE."

321. Sloop Reasonable, from Porto Rico for Martinico, chased on shore on the north-east end of the former, by the Liberty, of Baltimore, and destroyed.

322. Schooner Maria, from Jamaica for the Bay of Honduras, in ballast, taken by the Liberty, as above, and ransomed.

Internal Navigation.

The following letter from the collector of the port of Boston, to Dr. Mitchill, presents so important a view of the facilities and importance of Internal Navigation, that we have been induced to solicit a copy for publication, and now recommend it to the earnest attention of our readers, particularly to such of them as are invested with legislative authority. *Nat. Intel.*

CUSTOM-HOUSE, BOSTON, Jan. 9, 1813.

Respected Sir—An event has recently taken place within my knowledge which so strikingly exhibits the enterprising genius of Americans, and opens such a field for the patriotic speculations of the statesman and legislator, that I am induced to communicate the circumstances to a friend to the happiness and prosperity of his country.

During the week ending the last year, a Mr. Wells of this town, a young gentleman of great activity and commercial information, has received at the custom house certificates of the legal importation of goods to the amount of thirty thousand dollars, which have been sent to *Mexico* by the following rout:

From Boston to Providence in waggons, thence by water through the Sound to Amboy, thence in waggons and by water to Philadelphia, thence by waggons to Pittsburgh, then down the Ohio and Mississippi to New-Orleans, and from thence by land and in boats to Mexico. Thus transporting merchandize by inland conveyance a greater distance than has ever been done by the people of any age or country, save by those who trade between China and Moscow.

But what is most astonishing, the expense from this to New-Orleans is only four and one half per cent. on the cost of the goods at Boston, while the insurance alone on such as are sent by the way of the ocean, is thirty, and not less than twenty-five per cent. At any rate, the freight, insurance, and other charges on such as are sent coast ways are not less than thirty or thirty-two per cent. I am informed that if the war continues a great trade will thus be carried on between the northern ports and New-Orleans, and from thence to South America; not only to places on the Isthmus, but across the Gulph of Mexico to the various ports on the Maine and in Brazil.

Such goods as are thus transported not being entitled to a drawback of the duties, will perhaps prevent so great a traffic as otherwise would take place, were debentures allowed to be issued on such as were exported from New-Orleans, which had been carried there, inland, from the north eastern Atlantic ports. But as they are now transported, the advantage is in favor of the new mode; most of the articles which are adapted for these markets pay twenty-five per cent. duty, but when exported, three and a half per cent. is deducted from the amount of duties, which will not leave in debentures enough to pay the insurance. From this single fact, it is very obvious that the facility of transportation should be improved by canals and good roads. When involved in wars, the people make exertions and discoveries of infinite importance to the nation, which are overlooked during times of peace.

Many able speculations have been published on the immense benefits which would be derived from uniting the various waters of the United States, and bringing districts of the Union nearer each other by turnpikes. Mr. Gallatin, some few years since, made a most able report to congress, which was read and *forgotten*. The property which has been captured by a small British privateer from Nova Scotia this fall, off Cape Cod, where she has made two cruizes against the coasting vessels from southern ports,

would more than have made a canal from Bussard's Bay to that of Barnstable, for the cargoes are estimated at $ 300,000, and would have been saved by such a canal.

I have taken the liberty of making these remarks from a conviction that when a view is dispassionately taken of the subject, the national legislature will not neglect such measures as shall tend to advance the best interests of their country. No nation on the globe is capable of being so easily and perfectly canalled as this. Our large lakes and numerous rivers offer the means of intersecting every part of the country with canals. Public and private land will thereby be increased in value, while employment will be given to a large portion of the inhabitants. Two hundred waggons for the last three months have been in constant employ from Boston to Providence, while before the war there were only two, which were regular baggage waggons.

You may, from these facts, form some idea of the great advantages which must result from internal navigation.

With sentiments of the highest esteem, I have the honor to be, sir, your obedient servant,

H. A. Y. DEARBORN.

Honorable Samuel L. Mitchill.

Russian Proclamation.

(NO DATE GIVEN.)

Russians! At length the enemy of our country—the foe of its independence and freedom has experienced a portion of that terrible vengeance which his ambitious and unprincipled aggression has aroused. From the period of his march from Wilna his army great in numbers, assured in valor and discipline, and elated at the remembrance of victories gained in other regions, threatened not less than the entire subjugation of Russia. The system which we had thought fit to adopt strengthened that confidence. The sanguinary battles fought on his rout and which gave him temporary possession of Smolensk, flattered him with all the illusions of victory. He reached Moscow, and he believed himself invincible and invulnerable. He now exulted in the idea of reaping the fruit of his toil of obtaining for his soldiers comfortable winter quarters and of sending out thence next spring, fresh forces to ravage and burn our cities, make captives of our countrymen, overthrow our laws and holy religion, and subject every thing to his lawless will. Vain, presumptuous hope, insolent, degrading menace! A population of forty millions, attached to their king and country, and devoted to their religion and laws, the least brave man of whom is superior to his unwilling confederates and victims, cannot be conquered by any heterogeneous force which he could muster, even of treble its late amount.

Scarcely had he reached Moscow, and attempted to repose amidst its burning ruins, when he found himself encircled by the bayonets of our troops, he then too late discovered that the possession of Moscow was not the conquest of the kingdom; that his temerity had led him into a snare—and that he must choose between retreat and annihilation. He preferred the former, and behold the consequences.

[Here follow the official accounts of the defeat of Victor's advanced guard under Murat, near Moscow, by marshal Muconsoff; of the defeat of general St. Cyr by marshal Wittgenstain, and the storming of Polotsk; of the re-occupation of Moscow by Winzingerode's corps, &c.]

Russians! The Almighty has heard our wishes and crowned you with success. Every where the enemy is in motion; his disorderly movements betray his apprehensions; gladly would he compound for safety; but policy and justice alike demand the terrible infliction. The history of his daring must not be told without the terrible catastrophe by which it was attended. A hundred thousand men sacrificed to his frantic presumption, attest your valor and devotion to your country; and must deter him from a repetition of his impracticable design. Much, however, yet remains to be done, and that is in your power. Let the line of his retreat be rendered memorable by your honest indignation; destroy every thing that can be servicable to him, and your commanders have orders to remunerate you. Render your bridges, your roads impassable. In fine adopt and execute the suggestions of a brave, wise, and patriotic heart, and shew yourselves deserving the thanks of your country and your sovereign.

Should the remains of the enemy's force escape to our imperial frontiers, and attempt to winter there, they must prepare themselves to encounter all the rigors of the clime and season, and the various attacks of our troops: thus harrassed, exhausted, and defeated, he shall forever be rendered incapable of renewing the presumptuous attempt.

(Signed) ALEXANDER.

British Religion.

The *religion* of the *British* government, as well as its devotion to *liberty*, has been a fruitful theme of eulogy. An orator in congress* is said to have sat down and *cried*, because we were at war with this *bulwark of* the *faith*—and he spoke of the great things *it* had done for *religion* in *India*.——Until the declaration of war for our seamen impressed, we never understood that *Great Britain* had more religion than other nations; but would be glad to believe it even *now*, trusting it would lead her to justice and peace.

That country has been the scene of the most bitter persecutions for *religious opinion*—and now, this very day, in January 1813, the government is less tolerant *than any other in the civilized world*, that of the *Brazils*, and the *Spanish cortes* or *Regency*, excepted. This assertion is not rashly hazarded. It can be sustained by indisputable facts; and should sink deep in the minds of the pious. I repeat it—there is no government in *Europe*, that of *Turkey* and *Spain* excepted, so intollerant as the government of *Great Britain*, in religious affairs. Volumes of facts, like those mentioned in the note below, might be collected to shew the outrageous spirit that influences her *national church*, without even alluding to the *Catholics of Ireland!*

There is nothing more notorious than that *religious persecution* was the great cause of the rapid settlement of that portion of *America* which now forms the *United States*, and particularly so of the country north of the *Potomac*. For *conscience-sake*, our ancestors left their homes and crossed the trackless ocean, to sit themselves down in the wilderness, among *wild men* and *wild beasts*, more tolerant than the *national* priests of the old world. The history of the various sects that inhabit this free country, is continually interlarded with *prisons*, *dungeons*, *chains*, *whippings* and *death*—because they worshipped the LIVING GOD according to the dictates of their own hearts; nothing else. The illustrious *Penn*,† the *Solon* of the new world; and who, in fabu-

*Mr. Randolph.

†It is with pride that I acknowledge my ancestors, were fellow-emigrants with *Penn*.—EDITOR.

lous times, would have been regarded as a divinity for the excellency of his institutions; whose rule of conduct was "peace upon earth and good will to mankind," did not himself escape the lash of persecution. With a patient and persevering spirit, and internally supported in the mighty work before him, he emigrated to *America*, and opened the door of friendship and hospitality to all peaceable men, of all sects and persuasions. The most of the colonies were settled from the same motives that influenced that great man. How then is *England* the "*bulwark of* OUR *religion?*" Her *oppressions* planted religion in America.

In page 130, of Vol. I. of the WEEKLY REGISTER, is an exposition of the state of the *British* NATIONAL *church*—to which I refer the reader for many interesting particulars, as well as for some remarks on *established* religions, in general: which, of what nature or kind soever they be, I consider the chosen curse of mankind.

To the *British*, as *individuals*, much credit is due for their civil and religious institutions. Nor would I have it supposed that while their *national* church is reprehended, a censure is intended to be cast on the *people* that adhere to it. The great body of them are conscientiously bound so to do; and while we exercise the liberty of thinking for ourselves, heaven forbid that we should refuse it to others. It is with the *government* that are at war; and whose inconsistencies we have often attempted to expose. As for instance—we have said, that while all the *national* priests of *Great Britain* were praying lustily for the downfall of anti-christ (as *they* call the *Pope* and the *Roman catholic* religion) king *George's* body guards were stationed at *Rome* for the protection of the "Holy Father;" his armies are fighting in *Spain*, as they say, for the *Catholic religion*, nay, for the very *inquisition* itself—but it is almost criminal to *profess* that faith in *Ireland*.

It is in *India*, that *British* [governmental] *religion*, as well as *liberty*, is best elucidated. Let us hear the Rev. Dr. CLAUDIUS BUCHANAN, author of an admirable work called "*Christian researches in Asia*," and other celebrated tracts. We were often indistinctly informed of the things he speaks of—and his testimony is true.

Many millions of the *British* king's subjects in *Asia*, worship an idol called *Juggernaut*. It is no excuse that the *Indians* are devoted to the obscene and cruel ceremonies of this modern *Moloch*; for the worship is sanctioned by the government of *India*, by law, and an immense revenue derived from it—Thus are *murder* and *idolatry* LEGALIZED. The *British* are less scrupulous than the *Jews*. *Judas Iscariot* would have returned the thirty pieces of silver; but they said, it was "the price of blood," and refused them.

The following are extracts from Dr. *Buchanan's* journal of a tour to the temple of this idol—

"We know that we are approaching *Juggernaut* "(and yet we are more than fifty miles from it) by the "human bones that we have seen for some days strew-"ed in the way." "This idol has been justly called "the Moloch of the present age, and he is justly so "named, for the sacrifices offered up to him by sub-"devotion are not less criminal, perhaps, not less "numerous, than those recorded of the Moloch of "Canaan. The walls of the temple are covered with "indecent emblems in massive and durable sculp-"ture."

"The grand Hindoo festival of the Rutt Jattra "takes place on the 18th inst. when the idol is to be "brought forth to the people. I reside during my "stay in the house of James Hunter, esq. *the compa-"ny's collector of tax on pilgrims*"—"I have returned "home from witnessing a scene that I shall never for-"get. At 12 o'clock this day, it being the great day "of the feast, the idol was brought out of his tem-"ple amidst the acclamations of hundreds of thou-"sands. The throne of the idol was placed on a car "sixty feet high, whose massy wheels indented the "ground as they turned slowly under the ponderous "machine. After a few minutes the car stopped, and "the worship began; a high priest pronounced ob-"scene verses in the ears of the people, who respond-"ed in the same strain; a pilgrim now announced "that he was ready to offer himself a sacrifice to the "idol; he laid himself down before the car, and was "crushed to death by the wheels of the tower—and "great numbers are annually sacrificed in the same "way!"

The author minutely describes other horrid sacrifices and infamous scenes, and says—"The charac-"teristics of Moloch's worship are obscenity and "blood."

Dr. *Buchanan* gives an exact statement of the "annual expenses of the idol *Juggernaut*, presented to the *British government*." It amounts to 89,616 rupees, or £8,702 *sterling*. "In the third item (amounting to £1,250)—*the wages of his servants*, are included *the wages of the* COURTEZANS *who are kept for the service of the temple!*"—"The temple of *Juggernaut* is under the *immediate controul* of the *English* government, who levy a tax on pilgrims as a *source of revenue!*" The *official* title of the act for the government of this temple is, "*A regulation for levying a tax from pilgrims resorting to the temple of* JUGGERNAUT, *and for the* SUPERINTENDANCE AND MANAGEMENT OF THE TEMPLE." [Here the "superintendance" and "management" of the worship of this idol, are expressly provided for]—and the "agreeable society" (the aforesaid Mr. *Hunter* and the military officers stationed there to superintend and manage the matter) that Dr. *Buchanan* was in, were so "accustomed" to the horrid scenes that he witnessed, that they were little moved by them. He further says—"I feel "it my duty to state, that these idolators are our own "subjects; and that every one who can do it, *pays a tri-"bute to the British government for leave to worship this "idol!* This is called the revenue of the temple; and "a *civil officer, supported by military force*, is appoint-"ed to collect the tax from pilgrims resorting to the "temple of *Juggernaut! Other temples in Hindostan "have been long considered as a legitimate source of re-"venue!*" There is no parallel for this high abomination in the history of the Christian world.

There appear to be several other similar temples in *Hindostan*, alike *superintended* and *managed* by the *British* government, *to raise a revenue. One is with in eight miles of Calcutta!*

For many highly important particulars we refer the reader to the work itself—which is well worthy an attentive perusal.

The piety of certain people in the Eastern states fitted out a religious mission to *India*. Two excellent men, Messrs. *Judson* and *Newell*, with their wives, sailed from *Salem* on this laudable business in February last, well fitted for the arduous duties before them. They arrived safe in *India*—but the government immediately ordered them back, and they have returned home. *The revenue of Juggernaut must not be unhinged!*

NOTE.—Extract from the "Evangelical Magazine, for Dec. 1811," published in a London.

"*Prosecution according to law.*—An account of the proceedings of the general quarter sessions of the peace for the county of Berks, held at Reading, Jan 16, 1811, on the appeal of William Kent, against a conviction of W. B. Price, esq. in the penalty of £20 for teaching and praying in a meeting or convention,

held in an uninhabited house, in other manner than according to the liturgy of the Church of England, where five persons or more were present.—[We extact this act from a report, taken in short hand, by Mr. Gurney, and printed at Reading by M. Cowlade and Co.]

"In Sept. 1810, a few persons of the late Mr. Wesley's Society, (commonly called Methodists) living in the parish of Childry, Berks, procured a house to be licensed, agreeably to the act of toleration, which was duly certified in the registry of the bishop of Salisbury.

"In this house Mr. Wesley's preachers attended, and preached once every Sunday: and, in the morning and evening, some of the congregation held a prayer meeting.

"On Sunday, October 21st, William Kent, William Franklin, and others, assembled in the evening for prayer and singing hymns. At this meeting Margaret Partridge, a servant of the reverend Mr. Beaver, Lawrence Belcher, and John Burt, a constable, and others of their party attended: but did not join in prayer by kneeling with the rest.

"In the ensuing week, the reverend Mr. Beaver laid an information before W. Price, Esq. under the Conventicle Act (of 21 Charles II.) against William Kent and William Franklin; who were both convicted of teaching and praying, and fined in a penalty of £ 20 each. Mr. Kent having refused to pay the money, a distress warrant was issued on the 18th of December, by virtue of which John Buck distrained a house of Kent's, which was sold by auction, Dec. 24th. Kent bought his house for £ 25 which money he paid to the constable; who, after deducting expences, returned to Kent the overplus."

"Distressing Capture."

The public commisseration is highly excited by an article headed as above, now passing through the newspapers. It appears that the brig *Edwin* of *Salem*, has been captured by the *Algerines*, and sent to *Algiers*, where the crew are put at hard labor as slaves. We are truly pleased to observe the sensibility of certain men on this unfortunate event; and will cheerfully join them in *any* exertion of force or negociation to bring back our tars to their fire-sides and little ones. *They must be released*—the *American* will not sit down contented, while *eight* or *ten* of his fellow-citizens are slaves to the *Dey* of *Algiers*, though that *prince* has legally declared war against us.

But how is it that we have been so easy under a knowledge of the fact that EIGHT OR TEN THOUSAND (at least) of our seamen have been made slaves by the *Dey* of *England*, the *British* navy? In what respect is their state more enviable than that of their brethren in *Algiers?* The *impressed* sailor works as hard, and for the *same pay*, which is nothing. If he will not work he is whipped, *just the same as at Algiers*—or denied food, or chained, or kicked about by every puppy that pleases to shew his "*magnanimity*" and "*religion*" and "*love of liberty*," by abusing him. This is not the case at *Algiers;* for *there* the master of the slaves is only permitted to make the "*refractory*" do "*duty*" in "*his highness' service.*" Besides, the dey of *Algiers* will not employ these men to fight their fellow-citizens—*he has too much honor for that.* He will merely detain them til peace is restored, and return them safe and sound (the usual hazards of life excepted) to their country; not mangled and torn to pieces by the arms of his enemies. Great heaven! what a savage would we think *him* if he were to march these men through the desarts of *Africa*, to expose them to the burning sun and unwholesome climate of the interior of that country, and make them fight *his* battles with "his majesty" the king of *Congo;* to die and rot in a foreign land, unpitied; far from all the heart holds dear, leaving their relatives in fearful uncertainty of their horrid fate!

Let *Decatur's* toast, given at the seamen's feast at *New-York*, be forever reiterated, till the practice ceases—it was,

FREE TRADE, AND NO IMPRESSMENT.

The person of the free citizen of America must be sacred.

☞ See commodore *Rodgers'* letter, page 342.

Divertisment.

Among the means made use of *ad captandum vulgus*—to cheat the unthinking—the following article is running its round in a certain description of papers:

"*A loan of twenty-five millions*, says Mr. Stow, will be wanted for the ensuing year. Seventeen silver dollars weigh about *one pound Avordupois.* Twenty-five millions weigh about 1,479,588 pounds; and to convey to the public treasury, in silver coin, the sum to be loaned for the war expenditures of the ensuing year, would require *seven hundred and thirty-five waggons*, each bearing more than a ton weight!"

Now it would have been nothing but *fair* to have said that *five millions* of the sum to be borrowed, was designed to pay that part of the *existing* public debt, reimbursable in the course of the year, with the interest accruing. See official reports, page 299, *et passim.* Therefore the *calculator* ought to have *impressed* but 588 *waggons* to carry the money!

In page 299, we have the Secretary of the Treasury's estimate for the service of the year 1813. The *British* chancellor of the exchequer's budget for 1812, consisted of the following items, which the *American* war will swell at least 20 *per cent.* the present year; but let us take it as it was—

Navy, exclusive of ordnance	19,702,399
Army, including barracks	17,756,160
Extraordinaries	5,400,000
Unprovided last year	2,300,000
Ordnance	5,279,897
Miscellaneous	2,350,000
Vote of credit	3,200,000
Sicily (loan)	400,000
Portugal (do.)	2,000,000
Sterling	£.58,188,456

To this must be added the *interest* of the national debt, which was about 38 millions—grand total of expenditures for 1812, 96,000,000 pounds sterling, equal to 426,240,000 dollars, which, according to the *profound* calculation made above, would require *twelve thousand five hundred and ten* waggons to carry it to the treasury. And further, if each waggon, with four horses, occupied only 50 feet, the line would reach *one hundred and fourteen miles.*

Again, for the sake of round numbers, say the public debt of the *United States* is 50 millions of dollars. The public debt of *Great Britain* is 850 millions of pounds sterling—equal to 3774 millions of dollars. Now to carry the first, would require *fourteen hundred and seventy* "waggons"—but to convey the latter, *one hundred and eight thousand two hundred and fifty* "waggons" would be wanting—at 50 feet each, they would extend *one thousand and thirty miles and a half.*

Besides, one fourth, at least, of the *laborers* of G. Britain are *paupers*—In the United States, no person

able to labor is necessarily dependent on the public bounty. We have *really* no paupers, but the halt, the lame and the blind, the aged, diseased or infirm.

Treasury Notes.

We have "a statement of 3,180,000 dollars in Treasury Notes sold to or contracted for by sundry banks, previous to the 4th of December, 1812, showing the time when the same were sold or contracted for, the days on which they were dated, and on which their amount was credited, or engaged to be credited to the treasurer of the United States." The names of the banks, with the sums they have severally obtained, are as follows:

State Bank of Boston . . .	$400,000
Manhattan Company (N. Y.) .	1,000,000
Mechanics Bank of New-York . .	600000
Trenton Bank	30,000
Bank of Pennsylvania . . .	800,000
Farmers and Mechanics Bank (Phila.)	200,000
Union Bank of Georgetown (Col.) .	50,000
Farmers Bank of Alexandria .	100,000
	$ 3,180,000

In page 300, vol. II. of the WEEKLY REGISTER, is an account of these notes. As it was therein anticipated, they are objects of great desire by banks and individuals, but particularly the former.

Affairs in the Peninsula.

Lord *Wellington* has retreated to his strong holds near *Lisbon*. The chief part of the peninsula is in the actual possession of the *French*, and nearly the whole of it is abandoned to their mercy. The *Spanish* force, however, has been estimated at 230,000 men, including the reserve, and the *British* at 50,000 strong—to wit, 19 regiments of cavalry, 73 battalions of infantry, 3 brigades of horse artillery, 2,000 foot artillery, &c. The *Portuguese* force is not stated; nor is it much relied on. The whole *French* troops may be about 220,000 men, of which *Massena* commands in one body, nearly 100,000, before whom lord *Wellington* made a *retrograde* movement. Considerable reinforcements are arriving at *Lisbon* from *England;* but a general apprehension is entertained, unless the war in the north should prove extremely disastrous to the *French*, that they cannot much avail. The garrison of *Burgos*, only 3,000 strong, that so long resisted the army of lord *Wellington*, and materially contributed to this state of things, have been honorable distinguished.

The appointment of lord *Wellington*, by the Spanish regency, to the command in chief of all the *Spanish* forces, has greatly excited the jealousy of the high-minded *Dons*. The celebrated chiefs *Castanos* and *Ballasteros* refused obedience, and have been dismissed in disgrace. Such defection is rapidly spreading among the *nobles;* the *common people* are heartily tired of the war, and the spirit of resistance decays as the prospect of success is blunted. It appears, from many articles permitted to appear in the *British* papers, that the government of the regency is very unpopular, and that the *Spanish* people are more injured by their own armies than those of the *French*. The *Guerillas* are particularly vexatious to the peasantry, and the *English* pay for what they take in *paper*, which the people cannot believe to be *money*. It is expected that *Cadiz* will again be invested; and indeed the speedy issue of the contest in *Spain* and *Portugal* depends on the real state of things between—

France and Russia.

The emperor *Alexander* appears determined to prosecute the war to the very last extremity. He is a man of great spirit, and perhaps the most amiable sovereign in *Europe*, if not the most wise. All his public acts (see his proclamation, page 347) bear the most inflexible determination to repel, to harrass and destroy his enemy. We know not how to believe the *London* papers. So much depends upon the public feeling of the moment, and on the "money changers," and dealers in stocks, that it is no easy matter to winnow the wheat from the chaff that fills the *British* journals. For instance, *they* (i. e. the *London* news-papers) took 1,500 prisoners at *Quenston*, or about double the number of *Americans* that passed over! But, it appears from these papers, that *Bonaparte* had lost in killed, wounded and prisoners, by famine and disease, more than 200,000 men since he entered *Russia*—that about 300 pieces of cannon had been taken from him; that, in short, his army was cut up, and the mere shreds of it surrounded at *Smolensk*, his *retreat* being cut off by powerful armies. The details are very long and interesting; and it seems unquestionable that the *French* emperor has been greatly embarrassed in his movements, though not to the extent quoted. The 29th bulletin is dated at *Smolensk*, the 11th November, which is *as late* as any other accounts we have of him. The language of this bulletin is by no means desponding—on the contrary, it is as much puffed up with victory as the *Anglo-Russian* accounts, and is of a *later date* than any event noticed in the details by way of *England*. It is worthy of note that the *French* bulletins *have been* remarkable correct in their essential particulars.

The *London* papers further say, that lord *Walpole* had left *St. Petersburg* on a secret mission to the frontier of Austria, to open a negociation with the leaders of the *Austrian* armies. They also state, that *Alexander* has issued a manifesto in which he solemnly retracts all his former acknowledgments of *Bonaparte* as emperor of France, &c.—saying that he will never make peace with that country while such a villain rules it.

Such are the reports of the facts—and the reader, from seeing the details in the newspapers of the day, will form his own conclusions.

A knitting of the Bonds.

I heard a venerable citizen of *Philadelphia* once say, that having occasion in early life to proceed as far westward as the *Susquehanna*, where *Harrisburg* now stands, he "*kept up his horse for several weeks*" in anticipation of that journey to the *back woods*.—At that time, the great states of *Kentucky*, *Ohio*, and *Tennessee* were untrodden by the foot of a white man. I myself, though about 35 years old, can perfectly recollect when an emigration to "*Red stone settlement*" in Pennsylvania was thought a more desperate undertaking than a voyage to the *Missouri*, is considered now.

The attention of the reader is most earnestly invited to Mr. *Dearborn's* letter (page 346) on *internal navigation*. To aid the imagination to estimate the unbounded advantages our country presents to the enterprize of our people, as well as to provoke a spirit of improvement, the admirable report of Mr. *Gallatin*, on "*roads, bridges and canals*" shall be revived in the REGISTER.

These little notices occurred, on observing in a paper published at *Zanesville*—"*away at Zanesville in the state of Ohio*," an advertisement in which the

Bank of Muskingum informs the public, that drafts on *Philadelphia* and *Baltimore* may be had at a premium of *one half per cent.*

Proceedings of Congress.

SENATE.

Monday, Jan. 25.—The bill supplementary to the act to raise an additional military force, was read a third time and passed by the following vote:

For the bill—Messrs. Anderson, Bibb, Brent, Campbell of Ohio Campbell of Tenn. Crawford, Cutts, Franklin, Galliard, Howell, Magruder, Posey, Reed, Robison, Smith of N. Y. Tait, Taylor, Turner, Varnum, Worthington—20.

Against the bill—Messrs. Bayard, Bradley, Dana, Giles, Gilman, Goodrich, Gregg, Hunter, Lambert, Leib, Lloyd, Pope, Smith of Md.—14.

HOUSE OF REPRESENTATIVES

Friday, January 22.—The report of the committee of ways and means on the petition of *Joshua Barney* and *Stephen Kingston*, being rejected, 53 to 40—Mr. *Roberts* offered the following resolution, which was carried:

Resolved, That any right or claim of the U. States to British property which may have been captured by American privateers, arising from forfeitures under any provisions of the non-importation acts, ought to be relinquished to the captors.—Carried.

This resolution, being reported to the house by the committee of the whole, was confirmed by ayes and noes—61 to 47.

A message was received from the president—*see* 342.

Saturday, Jan. 23.—Mr. *Poindexter* presented a petition of the legislature of the Mississippi Territory, praying the loan of a certain quantity of muskets.

Mr. *Bassett*, from the naval committee, reported a bill regulating pensions—and also a bill to compensate the officers and crew of the *Constitution* for destroying the *Guerriere*.

The bill for the loan being under consideration, Mr. *Bigelow* after a long speech against the war, &c. moved to *strike out the first section of the bill!* Lost—only 23 voting with him.

Mr. *Cheves* moved that the first blank should be filled with the words *sixteen millions;* after which he entered into and laid before the house the following statements:

EXPENSES FOR THE YEAR 1813—TO BE PROVIDED FOR.

1st. For the civil list, including domestic and foreign expenses		1,582,681 13
2d. The public debt		8,000,000
3d. Military establishment—Regular	15,205,375	
Militia, volunteers and twelve-months men under last act	6,000,000	
	21,205,376	
As the regular army will probably not be completed within the year, deduct on that account	2,000,000	
Which leaves the full amount for the army		19,205,375
4th. Indian department		185,000
5th. Naval department	7,626,108 87	
As this includes a provision for 200 gun boats, of which it is probable not more than two-thirds will be employed, deduct	1,000,000	
Remains for the whole naval establishment		6,626,108
6th. Contingent expenses		450,825
		dols. 36,000,000

To meet these demands, Mr. Cheves stated		
The revenue at	12,000,000	
A payment in 1813 on account of 1812	2,000,000	
Balance in the treasury, 1st January, 1813	4,000,000	
From which deduct	1,000,000	
Leaves unappropriated in the treasury on the 1st Jan.	3,000,000	
Treasury notes to be issued	5,000,000	
The proposed loan	15,000,000	
		38,000,000
Which makes a surplus, reserved in consideration of disappointments in the loan, of	2,000,000	

The question was then taken on filling up the blank with 16 millions, and carried. Several motions were made to defeat or embarrass the bill, and promptly rejected. This being done, the committee rose, reported progress, and had leave to sit again.

Monday, Jan. 25.—The bill from the senate supplementary to the law for calling out the militia, &c. as amended by this house, was read a third time and passed.

The loan bill was again taken up in committee of the whole, and after some unimportant amendments ordered to a third reading.

The house took up the amendment of the senate to the bill for raising an additional military force for one year.

[The amendment requires the concurrence of the senate in all apointments which shall be made under it, during the time that body is in session.]

Mr. *Williams* having stated the entire concurrence of the military committee in this amendment, it was adopted without a division

Tuesday, Jan 26.—The engrossed bill authorizing a loan of sixteen millions for the service of the year 1813, was read a third time and passed, after speeches from Messrs. *Gold* and *Pitkin* against it. The yeas and nays were as follows:

YEAS.—Messrs. Alston, Anderson, Archer, Avery, Bacon, Bard, Bassett, Bibb, Blackledge, Brown, Burwell, Butler, Calhoun, Carr, Cheves, Cochran, Clopton, Condit, Crawford, Cutts, Davis, Dawson, Desha, Dinsmoor, Earle, Finley, Franklin, Gholson, Goodwyn, Green, Grundy, B. Hall, O. Hall, Harper, Hawes, Johnson, Kent, King, Lacock, Little, Lyle, Moore, M'Coy, M'Kim, Mitchill, Morgan, Morrow, Nelson, New, Newton, Ormsby, Pickens, Piper, Pleasants, Pond, Ringgold, Rea, Robertson, Roberts, Sage, Sawyer, Sevier, Seybert, Shaw, G. Smith, J. Smith, Stow, Strong, Taliaferro, Troup, Turner, Whitehill, Widgery, Wright—72.

NAYS.—Messrs. Baker, Bigelow, Blecker, Boyd, Breckenridge, Brigham, Champion, Chittenden, Cook, Davenport, Ely, Emott, Fitch, Gold, Goldsborough, Gray, Hufty, Jackson, Lewis, M'Bride, Milnor, Mosely, Pitkin, Potter, Quincey, Randolph, Reed, Ridgely, Sammons, Sheffey, Stuart, Sturges, Taggart, Tallmadge, Tallman, Wheaton, White, Wilson—38.

So the bill was passed and sent to the senate for concurrence.

On motion of Mr. *Cheves*, the house resolved itself into a committee of the whole on the bill, reported by the committee of ways and means, "authorising the issuing of treasury notes for the service of the year 1813."

The bill having been read through by sections, and no objection having been made thereto, the committee rose and reported the bill.

The bill was ordered to be engrossed for a third reading without a division.

Wednesday, Jan. 27.—The bill to authorize the issuing of Treasury Notes for the year 1813, was passed—ayes 79, nays 41.

After a variety of remarks by Messrs. *Randolph*, *Blackledge*, *Rhea*, and *Wright*, a resolution was agreed to, calling on the president for a list of persons holding office or employment of a public nature under the United States.

Perpetual Motion.

Having taken a very active part in the discussions which have arisen out of the machine invented by Mr. Readheffer, we shall continue to inform our readers on the subject, whenever any new circumstance arises that may interest the public on the subject.

In conformity with the intimation made by the legislature of this state, to Mr. Readheffer, that a committee was appointed to examine his machine and report upon it, Mr. Readheffer, through the hands of the editor of this paper, signified by letter to the committee, that it would be for their inspection on Thursday last, the 21st inst. Prior to that day, however, he signified that it would not be suita-

ble or convenient for him to present it on that day to the committee; and on Friday last he signified to two of the members, that he had determined not to exhibit it to them at all.

This extraordinary conduct has with too much reason excited serious doubts as to the reality of the discovery; and the committee have made their report to this effect to the legislature.

The editor feels that it is due to himself and to the public to state, that he has for two successive days attended to the examination of the machine, in company with a considerable number of respectable millrights, and others conversant in machinery, and examined every part of the machine, taken it to pieces, and put it together again, and without discovering any thing which could lead to a belief that that there was any thing in it concealed. His refusal to exhibit the machine, as he had promised, though it does not *prove* any deception in the machine, is nevertheless too mysterious and unreasonable to assure confidence, and unless explained in an open and unequivocal manner, must shake the judgment of those who felt the greatest gratification in the belief of its reality. *Aurora.*

THE CHRONICLE.

Baltimore Jan. 30—There has been great irregurity in the mails for some days past: several are due.

Mr. *Barlow* left Paris on the 18th of October for Wilna—he arrived at Frankfort, 144 leagues, in three days and three nights. It is beyond a doubt that something very important is anticipated. He goes at the particular request of the emperor.

The *Spaniards* and *Algerines* have arranged their differences, through the interference of their *mutual friend and ally, Great Britain.*

The plague is raging with great violence at *Constantinople*—the deaths are said to be a thousand daily.

A late *London* paper says, that gold from England, principally in the form of guineas, was received in one *French* port within the last few months, to the value of *fifteen millions of livers.* A guinea is a rarity in England. It may be literally said, they are out of circulation.

Catholic Claims—The question of Catholic emancipation, says a London paper, was again agitated in the University, when petitions to both houses of parliament, in opposition to the claims, were after a severe contest, carried.

LONDON, *Dec* 10.

Price of stocks—3 per cent. Cons. 3 per cent. Red. 58 1-8 3 8 8 7 8 59; 4 per cents. 74 7-8 75; 5 per cent, shut; Bank Stock 213; exchange bills (3 1-4d) par; Omnium 7 7-8 pm. Consols for Jan. 61 1 2 1 4 68 18 14.

Revolution in Mexico. On the 14th November, col. M'Gee, with 1000 men, in fine health and spirits, was at *Labade*, a fortified town, 15 leagues of east *Matagorda*, which place he took after a feeble resistance. The force was about to move forward. The patriot general *Ryan*, it is understood, still maintains himself near the city of *Mexico*, with every prospect of complete success.

Gold Leaf.—We notice several manufactures of gold leaf, perhaps equal to the consumption of the United States. *So we go on.*

Jesse Bledsoe, Esq. has been elected a senator of the United States from Kentucky, in the place of Mr. Pope. The votes are

For Jesse Bledsoe . . .	56
Stephen Ormsby . .	51

We made an error in our statement of the *New-Jersey* election in our last. Messrs. *Condit, Ward, Hufty, Cox, Schureman* and *Stockton*, are elected to the 13th congress. The two first are republican "war men"—the third is a republican "peace man," and the three last federalists—by which class of politicians Mr. *Hufty*, (it is proper to observe) was elected.

LEGISLATURE OF NEW-YORK—*Tuesday, Jan.* 12.—In the house of assembly the votes on appointing the council of appointment stood thus:

For the federal ticket—Messrs. Adams, C. Allen, D. Allen, Arnold, Bacon, Barker, Beebe, Beadle, Benjamin, Bogardus, Bryan, Cady, Carman, J. Carpenter, T. Carpenter, E. Clark, Cox, Crafts, Dodge, Douglass, Fleet, Gibbons, Griffin, Hatfield, Henderson, Henry, Hoffman, Huntington, J. Hyde, Janes, Jones, Kissam, Lay, Lorillard, M. Vean, A. Olmsted, J. Ohnsted, E. Russell, Sebring, Sheldon, Shurtleff, Jas. Smith, Steel, Stevens, Townsend, Van Horne, Van Vechten, M. Wheeler, E. Williams—50.

For the republican ticket—Messrs. Beecher, B. Clark, Coddington, Collins, Combs, Craig, Dill, Graves, Guyon, Hardenbergh, Hickok, Holmes, Howell, C. Hyde, Jansen, Ludlow, M'Call, M'Lean, A. Miller, Nash, Prior, Satterlee, Sears, C. Smith, Southerland. Taylor Teeplee, Thompson, Vanderveer, Van Orden, Wakely, Wassen, C. Wheeler, J. Wheeler, J. Williams—35.

The gentlemen appointed are Messrs. *James Platt* (western dist.) *John Sterns*, (Eastern) *John W. Wilkin*, (middle) *Peter W. Radcliff*, (southern).

"The Schuylkill navigation company" propose to open a safe and easy communication from *Philadelphia* to *Reading*, for vessels of 30 tons, by means of dams and locks, for which they expect a toll of 50 cents on each vessel.

Military Mortuary.

"O pity! if thy holy tear,
"Immortal, decks the wing of time,
"'Tis when the soldier's honor'd bier
"Demands the glittering drop sublime:
"For who, from busy life remov'd
"Such glorious, dang'rous toil has prov'd
"As he, who, on the embattled plain,
"Lies, nobly slain."

Died—On the 18th ult. in the battle of Massissinewa, captain BENONI PIERCE, of the Zanesville dragoons. He was a *volunteer*, a soldier—and a brave and good one. He felt his country's wrongs; and he cheerfully forsook the ease and enjoyments of domestic life, for the perilous and bloody field of Mars. But he has not gone without his fame. He fell on the bed of honor, and maintained, even in his last moments, the noble character of an *Ohio volunteer.* The sincere regret, which all who knew him, express for his fate, is the best evidence of his merit—and the sincerest tribute of respect and gratitude, which can be paid to his memory.

Died—at Buffalo on the 7th ult. ALEXANDER SISSON, sailing master in the United States navy, about 30 years of age; of a wound he received on the night of 27th November, in an attack on the British shore opposite Black Rock. He was a brave, valuable, and meritorious officer. His death is not only lamented, but sincerely regretted by his commanding and brother officers.

He was interred in the public burying ground, on the 9th, with military and masonic honors. We seldom witness a funeral so numerously attended. Every soldier and citizen seemed to be inspired with a deep sense of gratitude to the brave tars, who have rendered such gallant and distinguished service to their country on this frontier, and of whom the deceased stood amongst the most conspicuous.

THE WEEKLY REGISTER.

No. 23 of vol. III.] BALTIMORE, SATURDAY, February 6, 1813. [whole no. 75.

Hæc olim meminisse juvabit.—Virgil.

Printed and published by H. Niles, South-st. next door to the Merchants' Coffee House, at $ 5 *per annum.*

Appendix to the Register.

In the 222nd page of the present volume, the editor promised his punctual patrons (that as those who had paid, or should promptly pay, the *first year's* subscription*) a free gift of gratitude, in a valuable APPENDIX, to issue as soon as possible after the termination of that volume, which finishes with the last Saturday in this month. It was further stated that this appendix should contain as much useful matter "as in common book form would sell for half the price of the volume itself," and so it shall. For it is confidently believed that those who *really* patronised the editor the last year, will not be remiss on the ensuing occasion, and thereby enable and encourage him to bear the heavy *extra* expense.

But be it clearly understood, that to those who have received the paper from the commencement and not paid a cent for it, this *appendix* will not issue: and, as a *reduced* number will be printed, it must remain uncertain whether they can ever obtain it, if they neglect to forward, immediately (before it is put to press) their *last* and *present year's* subscriptions together—say $10. The paper will be also suspended (at least) to those who neglect this notice. If in this indispensable procedure, any mistakes should arise, the editor before-hand entreats the charity of his *friends.*

Since this time the last year the Register has obtained more than *one thousand new subscribers*;—among whom are many of the most distinguished personages of our country, of all the various parties that chequer its political character. And such is the demand for the early volumes, that I will cheerfully release any *reluctant* subscriber from the engagement he made to pay for them, on delivering to *me* a perfect set, any time before the first day of March next.

There are yet on hand a few (and but very few) complete files. If any should remain after the first of March, *fifteen* dollars must be paid to obtain them—which is, $7 50 cts. for the volumes that *have been* published, $7 50 in advance, for the three volumes *to be* published. Until then, they may be had for $10, being the payment for the *two first years* of the work.

This notice is published, chiefly to correct a misconception of the editor's meaning; owing, perhaps, to a literal error in the notice page 222; where, in the 6th line of the second column, the "second volume" is mentioned instead of *the third.*

Legislature of Maryland.

House of Delegates—Tuesday, Dec. 24.

(continued from page 322.)

Your committee further find, that no attention was paid to the preservation of the house and property thus abandoned, but that a few men were suffered, during the day, to be actively engaged in doing every possible injury to the same. Federalists deemed themselves insecure from a conviction, arising from past occurrences, that the civil power was too feeble for their protection, and that the military were unwilling to rally around the judiciary when the object was either the security of their persons or property, fled in every direction. No exertions were made to arrest the disturbers, and they assumed to themselves the sovereign power of controling the government of the United States, by regulating the concerns of the Post-Office. They assembled with a view to the demolition of the office, in order to collect and destroy the papers of the Federal Republican, transmitted by mail to subscribers in the city. The activity of Mr. Burrel, of the post-office, discovered the combination, and with promptitude communicated to the mayor and brigadier-general the grounds of his belief. They became at last convinced of the fact, which the experience of all countries had proved, that the mobs of popular cities can only be restrained and overawed by the application of an efficient force; and the general without any written requisition, but upon assurances that any should be given thereafter which the result of his opposition might require, ordered out the whole of his brigade, at the head of which he appeared, as became a military chief. A distribution of ball took place and every preparation was made, evidencing a determination to disperse the tumultuous. But even here, surrounded with the military, the civil power did not abandon the same wretched system of concession and conciliation; for it appears to your committee, that upon the manifestation of a spirit of insubordination among some of the military, the mayor proposed to the post-master to deliver up the Federal Republican papers to be carried to the the dwelling of the mayor, with a solemn assurance to the mob, that they should be returned in the morning by the mail to Washington. The post-master stated the embarrassments arising from the nature of his official duties; and upon a consultation at the residence of Mr. Burrel, the proposition was abandoned, and a resolution adopted to protect the establishment. Before which, the mayor avowed a determined resolution to protect the office, but at the same time to allay the irritation of a portion of the militia who complained of their being called out for the protection of the Federal Republican, he stated, "You are not assembled to protect the paper; you are marched here to protect the property of the United States, and to support the laws. I, myself, would draw my sword, and head my fellow citizens, to put down that establishment." An order from the colonel, and the voluntary charge by two of the horse, dispersed the rioters. For many successive nights a military guard was stationed; a determination was manifested that the peace of the city should be preserved, and it produced the effect. The grand jury, in its regular course, investigated the subject and presented some of those engaged in the murder and riots. They were arrested and committed to prison;—threats of rescue were made; a military force was stationed during the night at the prison, and artillery planted in the hall of the gaol. These operations were attended with an uniform result, establishing incontrovertibly, that the course of forbearance and concession selected by those charged with the preservation of the peace of the city, was productive of no other effect than to embolden the wicked. The trials took place: the first of them exhibited a temper in the jury utterly inconsistent with the object of criminal jurisprudence, the punishment of the guilty.—The attorney general of Maryland frequently declared his belief that no conviction against the offenders could be had; and still omitted to enter a suggestion on the record that the state could not have a fair trial, and to pray that the records might be transmitted to another county. An universal acquittal of the most blood thirsty ensued; and the melancholy apprehension is now entertained that the wicked have nothing there to fear from the retributive justice of the state.

Your committee further find, that the ordinary power with which the magistrates are invested for the preservation of the peace of the city, was in no instance, except as stated by your committee, called into action; that the constables are corrupt, and exercise an undue influence over the magistracy; that the court of oyer and terminer and general gaol delivery is conducted in a manner inconsistent with the dignity due to a tribunal invested with such extensive power.

Your committee find, that during the morning of the 28th of July, John Montgomery, esq. did, in order to prevent the firing of the cannon levelled at the house, make use of every exertion, and encountered great danger, and that during these agitations, frequent meetings of the most respectable citizens of both parties were convened by the mayor, in order to concert some plan of operations to insure the peace of the city, and which uniformly resulted only in recommendations to the turbulent to forbear and recommending a proclamation, to be signed by the magistracy, calling on the peace-officers to be vigilant in the preservation of order.

Your committee have presented to your consideration the causes and extent of the late riots. They now will submit to you an expression of their opinion, formed upon a dispassionate examination of the testimony, "as to the conduct of the civil and military officers in relation thereto." It is the opinion of your committee, that during all the agitations which have convulsed the city of Baltimore, Edward Johnson, esq. did every thing which could be required of him as a private citizen; but they have to regret, that, as mayor, charged

* It will be observed, that these allusions only apply to the subscribers who began with the work. The appendix, will, of course, be sent to those who subscribed since, as a part of the volume.

with the preservation of the quiet of the city, his forbearance and indisposition to resort to the ordinary powers of coercion, with which he was invested, against the turbulent and wicked, was so distinguished as to encourage a belief that he connived at and approbated their excesses. That he was guilty of a most reprehensible indiscretion, when he used to the refractory militia intemperate language against the Federal Republican, the inevitable effect of which was to sanction and excite, by his weight of character, the popular excesses against the same. That when he, at the post-office, surrounded with the military and his political friends, submitted a proposition, the object of which was to ensure the triumph of the illegal combinations of the mob, he evidenced a timidity and a want of judgment irresistably inducing a belief of his unfitness for the station which he filled. That this course of forbearance united with the wicked inertness of the magistracy, and deplorable corruption of the constables, nurtured and gave maturity to that horrid spirit of licentiousness, which terminated in the tragical and lawless events detailed by your committee.

That gen. Stricker, aware of the ferocious and blood thirsty temper of the mob, who were eternally vociferating "blood for blood," and seeking to satiate their vengeance by the instrumentality of a field piece levelled at the house, most wofully failed to gratify the spirit of the requisition made on him by the civil powers when he issued to major Barney, orders not calculated to ensure the return of order and peace, by enforcing the dispersal of those who were violating both.

That major Barney erred, when (although tied down by his orders, and evidencing every disposition to prevent the effusion of blood and allay the violence of the mob) instead of preserving a dignified stand, such as became a soldier, he so conducted himself as to banish that awe and apprehension which the presence of an armed cavalry naturally inspires. That his pledge to the mob, that none of those in the house should escape, was calculated to give all that confirmation which would necessarily result from the expression of his opinion, that the gentlemen in the house were the aggressors, and the mob, of course, were justified in their horrid outrages. That gen. Stricker, knowing as he did, that a portion of his brigade manifested a spirit incompatible with the gratification of any military order, which the requisition on him demanded, and being present, when the sanguinary temper of the rioters evidenced itself, in a force incompatible with the safety of the persons marching to the gaol, and unchecked either by the interposition of the military force with which they were surrounded, or by the presence of the political friends of the mob, failed to do his duty to his country when he omitted to order out a larger portion of his brigade on the 28th—That he was guilty of a manifest departure from every principle of prudence, when he, by a verbal, rendered unavailing a written order, given to col. Sterett, to fire on any assailants. This restriction, in the opinion of your committee, merits the most decided reprobation, as being utterly inconsistent with, and having a direct tendency to render inoperative, any application of a military force; nor can the dismissal of the troops on the evening of the 28th day of July, when opposite opinions were entertained as to the designs of the turbulent, when the civil power was lulled into a fatal security by assurances of an efficient military co-operation, when the general and his advisers were vibrating between apprehensions of danger and belief of security, when no exertions were made to sound the temper of the different quarters of the city, be considered in any other aspect than as the act of a timid mind, seeking to avoid a responsibility for the awful consequences resulting from an efficient military resistance. If the military assembled as a portion of the 5th regiment, was inadequate for the purpose of defence, Gen. Stricker owed it to the solemnity of the occasion, to his pledge to the gentlemen in the gaol, to his duty to his state, to appear in the most impressive manner, and to invite all, either attached by military pride, by political association, or by personal confidence, to rally under his banners. That such a course of military preparation would be productive of a result favorable to humanity, and our pride of state, is apparent from the occurrences connected with operations at the post-office. The public had a right to demand that those wretches who had thus trampled on the law, and outraged humanity, should, by a fair administration of justice, be brought to punishment: it had a right to expect that the law officer of the state would see, that at least an impartial trial should be had. Your committee are therefore of opinion, that John Montgomery, esq. the attorney-general, when he believed that the sovereignty of the law could not, either from corruption in the jurors, or the influence of public feeling, an event anticipated from the very genius of our government, be vindicated in the city of Baltimore, was bound, both by his duty and his oath of office, to enter a suggestion of his belief, and pray for the removal of the trials to an adjoining county. This omission, in the opinion of your committee, demands from this house a severe animadversion.

All which is submitted. By order,

LOUIS GASSAWAY, Clerk.

Wednesday, December 30.—The committee of grievances and courts of justice, beg leave further to report—That they find that Tobias E. Stansbury, then a brigadier-general in the militia of this state, and now a delegate to the general assembly of Maryland from Baltimore county, on the twenty-eighth day of July last, at the gaol of Baltimore county, did refuse to obey or aid the civil authority in the preservation of the tranquility of the city—That he frequently used violent and inflammatory expressions, intended and calculated to excite the mob to break the gaol, and to murder Mr. Hanson and his friends, who had confided themselves to the protection of the law: and to depress the exertions of those who labored to allay the infuriated temper of the turbulent; and to divert the assassins from the consummation of their savage designs. That he was present when the cruelties were perpetrated either on general Lee or Lingan—That he has frequently before and since that day, expressed his opinion and wish that those persons, who were defending the house in Charles-street, ought to have been put to death by the mob; and has also declared, that if he had been present he would have aided in their destruction.

When your committee reflect upon the many manifestations of confidence which Mr. Stansbury has received from his immediate constituents, and the public functionaries of the state; when they recollect how frequently and solemnly he has sworn before the Supreme Being, to support the constitution and laws; when they consider the high and important command which he then bore in the service of the state, and the only object of which was the indiscriminate and general security of his fellow-citizens, they cannot but express their indignant feelings at the course pursued on that eventful night by general Tobias E. Stansbury, and their belief, that the evidence collected by them, is so strong as to justify a well grounded opinion, that he consented to, and countenanced the completion of the horrible butcheries of that night; and that the house of delegates of Maryland, is bound by every consideration of justice and expediency, to adopt every constitutional means with which it is invested, to bring to a fair and impartial trial the said Tobias E. Stansbury, for his conduct, in relation to the attack on the gaol, and the murder of general James Lingan.

By order, L. GASSAWAY, Clk.

(Proceedings, &c. to be continued.)

Legislature of Massachusetts.

THE GOVERNOR'S SPEECH.

Gentlemen of the Senate, and
Gentlemen of the House of Representatives,

In the elections which have taken place in this state since your late session, the people have manifested an unusual degree of unanimity. They have for the most part, an equal interest in promoting the prosperity of the country—and when dispassionate and well informed they will not be found deficient either in discretion or rectitude. May they be yet more united both in sentiments and affection, and be ready to forget unimportant points of difference when the public peace and safety require their union.

Although we have no agency in conducting our national affairs, we must view with anxious concern the important changes which are taking place among the powers of Europe. One of its sovereigns, under the pretence of giving freedom to the seas, is carrying war and desolation into regions remote from each other, and seems determined by fraud and violence, to subjugate or destroy every civilized nation. Thus tyranny has in all ages assumed the fictitious garb of liberty. In the calamities and dangers of Europe we are now unhappily involved; but as the principal alledged cause of hostility against England has been removed by the repeal of the British orders in council, and a desire has been evinced to keep the way open to reconciliation, we can hardly suppose that the war will be continued, to protect in our merchant vessels the seamen of Great Britain against the claims of that government; or to conquer the adjoining territories, the acquisition of which must be expensive and of very doubtful advantage; and still less to aid the triumphs and support the usurpations of the unrelenting oppressor of mankind.

In a commercial state the contracting of debts is necessary, as trade cannot be carried on to any great extent without credit. But owing to the spoliations upon our commerce by the nations of Europe; to the frequent and unexpected changes in the commercial regulations and restrictions of our own government; and to the present war with Great Britain, the unavoidable accidents to which men in trade are exposed, have of late been more numerous than at any former period. Many persons by these unforeseen events, have been impoverished in their circumstances, and are become incapable of paying their debts. Perhaps you will think it necessary to make some provision by law for their relief, which shall guard them against the severity of their creditors, and at the same time give no encouragement to extravagance or fraud by an unreasonable indulgence to debtors.

[Here follow local subjects.]

The secretary will lay before you the adjutant-general's return of the whole militia of the commonwealth. You will be gratified by his representation, that the militia throughout the state, with some minute exceptions, are well organized, and capable of acting with promptness and effect whenever required by the exigence of affairs. CALEB STRONG.

Council Chamber, Jan. 27th, 1813.

Legislature of Ohio.

Declaration and Resolves of the General Assembly of the state of Ohio.

It has pleased Divine Providence, that this general assembly should convene under circumstances, new, replete with interest, and of great national concern. While the moral and political convulsions of Europe have shaken empires from their centre, this nation has, alone pursued a peaceful policy. It has grown in wealth, it has increased in importance, until its power has become a cause of jealousy among the nations of the old world, and its wealth has but too effectually invited their rapacity.

Endeavoring to surmount injustice with its view fixed on peace and with exertions never suspended, the American administration has been determined if practicable, to elude the evils of war, mildness has characterised its manner, and justice has been its whole demand; but forbearance has been in vain.—Forgeting the principles of justice and regardless of our unquestioned rights, the great contending powers of Europe have reduced plunder to system, and in that system, unremittingly persevere, nor is this all; the British nation has superadded personal oppression and the cruel enslavement of our citizens; and even when professedly at peace with the United States she has been perfidiously accessary to the murder of our frontier inhabitants, by instigating and aiding her savage allies, whose cruel mode of warfare is disgraceful to humanity. Still, was she invited to be just, while the sword was yet starting from its scabbard, the olive branch was cordially offered to the enemy; but this offer is refused, and the only republic which has survived the general wreck of nations is in open war.

Impressed with a full conviction that the war in which this nation is involved is on our part just and necessary, that the course pursued by the administration in recommending the measure, and in its mild, conciliatory and continued efforts to secure to this nation an honorable peace, merits the entire approbation of this general assembly, and that, not only the honor and dignity of this people, but its continuance, as a free and independent nation, depends upon a vigorous prosecution of the war:—Therefore,

Resolved by the general assembly of the state of Ohio, That in the name and in behalf of our constituents we pledge ourselves, to aid the national government in the present emergency to the extent of our resources: And we do this in the hope that the goodly heritage of our freedom may descend from us, to posterity, as we received it—excellent and unimpaired.

Be it further resolved, That we have seen, with emotions of much concern, the protracted delay of the French government, to render justice to this nation, for its outrageous depredations upon us, and that we will afford, to the constituted authorities in whose wisdom and firmness we place confident reliance, our utmost support in their efforts to sustain the honor of the nation, and to obtain suitable amends for its injuries.

Be it further resolved, That in the opinion of this general assembly, every republican is now peculiarly called upon by all honorable and honest motives, to sacrifice at the shrine of his country, political dissentions and personal animosities, and with united efforts to rescue from danger, that civil and political liberty, for which our fathers so arduously struggled and so freely bleed.

Be it further resolved, That the governor be requested to transmit to the president of the United States, to the president of the senate, the speaker of the house of representatives, and to our senators and representative in congress, one copy each of the foregoing declaration and resolutions.

JOHN POLLOCK,
Speaker of the house of representatives.
THOMAS KIRKER,
Speaker of the senate.

January 4, 1813.

Attest—*R. Osborn, clk. of the H. R.*
C. A. Norton, clk. of the senate.

Naturalized Seamen.

The following report is important; as it shows that the number of British naturalized seamen is not so considerable as to make it worth the while of the British cabinet to wave an accommodation on *their* account.

CONGRESSIONAL DOCUMENT.

Report of the secretary of state.—Agreeably to a resolution of the senate, of the 30th day of the last month, the secretary of state respectfully reports the following statement, which contains all the information in this department, called for by the senate, of the number of persons, born in foreign countries, who have been legally naturalized in the U. States, and registered annually as American seamen, according to the returns from the custom-houses, under the act of the 20th of May, 1796, relative to American seamen.

From these returns it appears that there have been registered at the different custom-houses in the U. States, of this description of citizens, the following numbers of seamen, distinguished by the several years when they were so registered, viz—

For the year 1796	65
Additional, for the same year	4
For the year 1797	150
Additional, for the same year	15
For the year 1798	83
Additional, for the same year	29
For the year 1799	30
Additional, for the same year	17
For the year 1800	47
Additional, for the same year	7
For the year 1801	32
Additional, for the same year	14
For the year 1802	24
Additional, for the same year	3
For the year 1803	126
Additional, for the same year	14
For the year 1804	190
For the year 1805	68
For 1806	70
For 1807	71
For 1808	55
For 1809	214
For 1810	127
For 1811	39
For 1812	33
	1630

The additional returns from 1796 to 1804 inclusive, were received from one of the principal custom-

houses in the United States, since the date of the last report to the senate, and those for 1811 and 1812, above stated, are not complete.

Respectfully submitted.

JAMES MONROE.

Department of State, Jan. 6, 1812.

Sir Francis Burdett,

TO THE ELECTORS OF WESTMINSTER.

Gentlemen—In addressing so enlightened a portion of the community as the electors of the great metropolitan city of Westminster, it would ill become me to adopt the hacknied style of congratulation and profession usual on occasions like the present. I cannot congratulate the people on the opportunity afforded them for redressing their manifold grievances, by a due exercise of their constitutional right, to appoint their representatives in parliament, well knowing, and that too they know full well, who cause this cheating appearance of the election to take place, that no such opportunity is, in point of fact, or is intended to be, afforded the people. You, gentlemen, are too well informed of the real condition of your country, not to regard such language as deceptions, and to treat it with merited contempt. Neither can I, with truth, profess that I shall be highly, or at all gratified, by being returned a member of an assembly where corruption is acknowledged to be as "notorious as the sun at noon day," and where "practices which would have made our forefathers startle with indignation in utter oblivion of every former maxim and feeling of parliament," have been impudently avowed, and shamelessly justified. This has brought us into a situation almost impossible, within the limits of an advertisement to depict. Nine hundred millions of debt; inland fortresses under the name of barracks; an army of German and other foreign mercenaries; an army of spies and informers; of tax and excise agents; an inquisition of private property; a phantom for a king; a degraded aristocracy; an oppressed people; a confiding parliament; irresponsible ministers; a corrupt and intimidated press; pensioned justices; packed juries; vague and sanguinary laws, some times shamefully relaxed, at other times violently stretched beyond their tone; which together with a host of failures of foreign expeditions, and the present crushing burthen of taxation, are some of the bitter fruits of corruption in the house of commons. A house of commons, the members of which did, agreeably to a return laid before it in 1808, put into their pockets 178,994l. a year in sinecures, salaries and pensions, besides their staff appointments, and their commissions, and besides the money received by their wives and other relations. In fact, the whole evil arises here. Those who vote the money are, some way or other, interested in the expenditure of it. The small number of independent men have no weight at all.

Gentlemen, it is often affirmed, that the savings in our power to make from sinecures and pensions, would afford no relief to the people; let us take a few out of numerous instances. The house of commons itself in sheer places and pensions, swallows as much as would give fifty shillings a year to 71,224 families. Would this be nothing? Would it not be felt by the people? Lord Arden, brother to the late minister, with reversion to the late minister himself, receives from his sinecures 28,574l. a year. This is the exact sum stated. But it is said, that he receives besides immense sums arising from interest. Here is support all the year round, at twelve shillings a week, for more than a thousand families. The same may be said for the family of Grenville. The duke of Grafton's sinecures and pensions would maintain half as many; and in short, it is in this way the nation is impoverished, and reduced to misery. The lord chief justice, Ellenborough, besides his salary, receives in sinecures 8,993l. a year; besides having offices to sell, and participating in the emoluments of his own gaoler. The sinecures of the chief justice would keep three hundred families. Mr. Garnier, the apothecary general, has a clear 12,000l. a year according to his own acknowledgment; besides the sums given to the princes out of the droits of admiralty, the king's private property in the funds, exempted from the income tax, and Mr. Addington (the the maker and the breaker of the treaty of Amiens) in 1801, misapplying upwards of 50,000l. (voted for the civil list) as a loan to the duke of York, only a small part of which has been repaid; and that without interest, what noble examples they set us, of making sacrifices—and for reconciling the people to their sufferings, from the weight of the taxes and the distresses of the times.

Gentlemen, there was formerly a law for putting a badge of distinction on every pauper receiving alms from his parish; but what badges of infamy do those men deserve, who thus extort alms from every poor man in every parish in England? who embezzle, in unmeritted pensions, and sinecure places, and divert into private purses, the public resources of their country.

Gentlemen, our usurping oligarchy assumes a power of making our most innocent actions misdemeanors; of determining points of law without appeal; and of imprisoning our persons without trial; of breaking open our houses with a standing army, and murdering the people in the streets, by soldiers paid by the people for their defence. Gentlemen, before recent experience, we should have hardly thought that a bare vote of the lower house would have been sufficient force in any court of justice, to overpower the solemn enactment of king and parliament.—Gentlemen, the judges in the time of Charles I. decided against Hampden in the great case of ship-money—"*ut secundum legem oneretur Joannes Hampden*" Gentlemen, in the action brought against me by the present excellent high bailiff of Westminster, which I defended because I thought it my duty not to give up your rights, lord Ellenborough directed the jury to find a verdict for the high bailiff, reasoning in this curious manner: "the burthen and the benefit ought to go together, therefore, as I had had the benefit," said his lordship "by taking the seat, the election expenses ought to fall upon me." As to taking the seat, that was compulsory, in obedience to the king's writ; and what the benefit is, of a seat in the house of commons, I am still to learn. How his lordship could make so many blunders, both in law and logic, in so small a compass, it is impossible to imagine, unless it could for an instant, be supposed that his lordship spoke from experience; and that having found a seat in the house a convenient stepping stone to the bench, he had forgotten the ancient theory in the modern practice of the constitution;—with the latter of which his lordship is said to be full as well acquainted as with the former. But there is nothing in the conduct of judges, either ancient or modern, to induce us to resign at the shrine of their authority, all pretensions to common sense and to the understanding of plain English. How are we the better for the noble struggles of our forefathers against arbitrary power in the king, if we endure it in much worse hands—those of our fellow-subjects? What signifies to us the law declaring that no man shall be imprisoned without lawful judgment of his peers, if the jargon of "*lex et con-*

snetudo parliamenti" (a scrap of Latin is ever introduced to cover a cheat) can render all the laws useless? How is the flock the better for being safe from the wolf, if they are devoured by the very dogs placed to defend them? What avails resisting the lion to fall into the jaws of the jackall? to have pinioned the eagle's wing to become the sport and prey of daws and kites? Despicable condition! cheated, sold, and arbitrarily ruled by her own servants who exceed Judas in treachery and equal him in guilt! The house of commons, instituted to redress our grievances, is become itself the greatest of all grievances, itself the ready instrument of all our oppressors; a two-edged sword to destroy, instead of a shield to protect us.

Gentlemen, the people of England are entitled, by several positive laws, as well as by that which is superior to all law, reason and common sense, and common good, to *annual parliaments* and free elections. These are the vital principles of the constitution; the only means of insuring justice, peace and security to the community at large.

Gentlemen, we once had this happiness; our laws were made by representatives of our own choosing; our money was not taken from us but by our own consent, and our laws made by common consent were the measure of the king's rule and the subject's obedience. To use the words of our great dramatic bard,

> "Look here upon this picture, and on this;
> "The counterfeit presentment of two brothers,
> "See what a grace was seated on his brow."
>
> "A combination, and a form, indeed,
> "Where every God did seem to set his seal.
> "This was your *constitution*. Look now, what follows,
> "Here is your *constitution*."

We may well conclude by asking with the poet,

> "————————What devil was't
> "That thus has cozen'd *us* at hoodman blind?"

Gentlemen, under the present system no change of ministry can be permanently useful to the country. The present are just as good as any of their predecessors during the present reign, or as any that are likely to succeed them. The fault is not in the individuals, but in the system; a system under which no nation ever did or can prosper; a system of the most infamous and complicated corruption. To this internal situation of the country, I desire to draw the attention of my countrymen, persuaded that from hence alone proceeds all our internal sufferings and external weaknesses; by the removal of this system, you may have foreign conquest, if that is desirable; by the non-removal of it, even victory and conquest would serve only to enhance, and to confirm the national servitude, depravity and misery. This system must be put a stop to by efforts from without the doors of the house of commons, for, be assured, the gentlemen within will never reform themselves. They will no more part with their rotten boroughs than a highwayman with his pistols. The SPIRIT of HAMPDEN must revive in the breasts of our country gentlemen, and the people, with united voice, must *demand* reform in a language not to be misunderstood. Until some such spirit shall manifest itself, I am desirous of withdrawing from acting a part in the *low farce* carried on in St. Stephens's; of resigning into your hands your delegated trust; of returning to that retirement I had chosen when you so unexpectedly placed me in your service; thinking that in so degraded, and degrading a state of the country, "the post of honor is a private station." At the same time, gentlemen, be well assured that nothing can efface from my recollection the deep impression of your noble and generous conduct. On this point all the world agreed, whatever difference of opinion may exist about the object of your voice. Gentlemen, your kind and considerate behavior has made a burthen, far too heavy for my shoulders, sit easier than I could have expected. Not only have I been free from importunity, but even from the slightest request from a single individual of your numerous body.

Gentlemen, this conduct fills me with esteem and respect, and must ever bind me to the electors of Westminster by indissoluble ties of gratitude and affection.—But, gentlemen, I do most earnestly wish to spare myself the mortification, and you the disappointment of passing a painful life in undignified, because unsupported, and unavailing efforts to stem a torrent of corruption, as irresistible as infamous; of "dipping buckets into empty wells, and growing old in drawing nothing up."

Gentlemen, I remain with the most profound gratitude and devotion, your humble servant,

FRANCIS BURDETT.

Oxford, October 6, 1812.

Perpetual Motion.

Extract of a letter from Harrisburgh, Jan. 28, 1813.

"The following is a copy of a report read in each house of the legislature this day.

"The committee appointed by the honorable the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, in the month of December last," to make a strict examination of the machine invented by Charles Readheffer, and to "make as specific a representation respecting it as its alledged importance and the public expectation require," beg leave to report—

"That immediately on receiving the authenticated copy of the above resolution, one of the committee, Robert Patterson, waited on Charles Readheffer, then in this city, to whom he exhibited the copy of appointment, requesting him to name a time and place for the committee to make the examination of his machine, agreeably to the resolution and desire of the legislature. But Charles Readheffer declined complying with the above request at that time, promising however, that he would call on Henry Voight another member of the committee, before he left the city, and appoint the time and place for the examination of his machine. He did, indeed call on Henry Voight, according to promise, but still declined complying with the request.

"The committee was then convened at the house of Henry Voight, and organized, Henry Voight being chosen chairman, and Robert Patterson secretary.

"Agreeably to a resolution of the committee, their chairman sent a letter to Charles Readheffer, containing a copy of the resolution of the legislature, and earnestly soliciting him to appoint a time and place for the examination of his machine by the committee.

"In reply to this, Charles Readheffer sent a letter addressed to Henry Voight and the other members of the committee, in which he named Thursday, the 21st instant, at such hour as the committee should appoint, when he would submit his machine to their examination, but still declined or neglected to name the place.

"On the receipt of the above, Henry Voight sent a second letter to Charles Readheffer, renewing the former request in the most urgent terms, that he would expressly name the place as well as the time for the examination; and proposing to him that if he could with convenience bring his machine to the city (as he had in private conversation with Henry Voight and others frequently intimated that he would) then

the committee would defray all the necessary expences, and provide a commodious room for its reception and examination: but if he should prefer Chesnut-hill as the place of examination, then the noon of the day he had appointed, should be the time at which the committee would appoint for that purpose.

"To this letter Charles Readheffer gave no explicit answer, either verbally or in writing, until yesterday, when being pressed by Henry Voight and Robert Patterson either to appoint a time and place himself for the committee to examine his machine, or agree to a time and place appointed by them, which they proposed to be the noon of Saturday the 30th inst. at Chesnut-hill, he explicitly declared to them, his friend Dr. Christian Heydrick being present, that he could not submit his machine to the examination of the committee appointed by the legislature for that purpose.

"The committee therefore consider themselves as discharged from all further attempt to execute the task assigned them by the honorable legislature of this commonwealth, and would finally take the liberty of declaring, that from the above recited conduct of Charles Readheffer, as well as from the numerous vain attempts to construct self-moving machines on the ostensible principles of his, it is their decided opinion, that Chas. Readheffer's machine of pretended perpetual motion, is a deception, and himself an imposter. HENRY VOIGHT, *Chairman.*

Attest—ROBERT PATTERSON, *Sec'ry.*

Pennsylvania Legislature.

Extract of a letter to the editor of the Weekly Register, dated, Harrisburg, Jan. 28.

"DEAR SIR—I feel peculiar pleasure in communicating to you, two or three important decisions which have lately taken place in the legislature of Pennsylvania; and what gives me such pleasure is, that those decisions have been in accordance with my own wishes, and I believe, with a large majority of the citizens of this state.

"The first is—the bill for building two ships of war (which had previously passed the house of representatives) was *negatived* on the 26th inst. in senate, 5 to 1. Yeas 5—Nays 25.

"The second is—that a bill has passed both houses for the relief of gen. St. Clair, who is said to be in the most deplorable pecuniary circumstances—viz. 200 dollars immediately, and 200 dollars annually.

"The third decision has only been in the senate—viz. the adoption of the enclosed resolutions by a large majority; and I have no doubt, should the times require such a measure, but that it will also be adopted by the house of representatives.

Mr. Connil's resolutions, adopted by the Senate of Pennsylvania, by a large majority.

WHEREAS patriotism and interest unite in urging the several states to co-operate with the government, in the measures adopted for defending our national rights: Whereas *a vigorous*, is most likely to be a *short, successful*, and consequently, *economical* war: Whereas money is the very sinew of war, and an article the most necessary to prosecute it with energy, and to terminate it with success: And whereas, the commonwealth of Pennsylvania, possesses resources which she is, at all times, ready and desirous to employ in defending her *own*, and the rights of the *nation*: Therefore,

Resolved, That this commonwealth will subscribe to the loan of the general government, for the year 1813, the sum of one million of dollars.

Resolved, That a committee be appointed to bring in a bill, authorising and directing the governor to subscribe to the said sum, and that he may be enabled to pay the money, to negociate a loan or loans with any of the incorporated banks, in which the commonwealth has an interest.

Proceedings of Congress.

IN SENATE.

Tuesday, Feb. 2.—Mr. Campbell, of Tennessee, from the committee to whom the subject was referred, reported the following bill, which was read and passed to a second reading.

A bill vesting in the President of the United States, the power of retaliation in the cases therein specified.

Be it declared and enacted, &c. That if any citizen of the United States, in the military service of the United States, or of any individual state, or serving on board any public ship of war, or any private armed vessel commissioned for war, who has been, or shall be taken prisoner by the enemy, has been, or shall be subjected to capital or other punishment, by order of the British government, or of any court, officer, or agent, acting under its authority, on the pretence of his having been born within the British dominions, or on any pretence whatever, not warranted by the laws and usages of war, among civilized nations; it shall be lawful for the president of the United States, and he is hereby empowered and required, in every such case, to cause retaliation, by a like punishment, to be executed on some person taken in arms in the service of G. Britain against the U. S. designating for that purpose, in the first instance, a prisoner who having been born within the U. S. and having been a citizen thereof, shall have been taken whilst voluntarily bearing arms in the service of Great Britain against the United States; or if there shall be no prisoner of that description, such other prisoner, being a native of some one of the British colonies, now the United States, as may not have been a citizen of the United States; and in case there shall be no prisoner, or not a sufficient number of prisoners of either of the said descriptions, it shall be lawful for the president of the U. States, to cause the retaliation to be executed on any British subject or subjects, wherever found, and whether taken in arms or not, against the United States: *Provided*, That in every case, the act or acts to be retaliated, and the liability of the person to suffer the retaliation, shall appear to the satisfaction of a court martial, of which three field officers at least, shall make a part.

[The senate have lately had several secret sittings on business of a confidential nature.]

HOUSE OF REPRESENTATIVES.

Thursday, Jan. 28.—The house resolved itself into a committee of the whole on the bill supplementary to the act for arming and equipping the militia of the United States. The bill provides for an additional appropriation of $400,000 *per annum*, and divides the militia into three classes—1. the *minor*, to consist of those between 18 and 21 years old; 2. the *junior*, of those between 21 and 31; 3. the *senior*, of those between 31 and 45, &c. After some time spent therein, the committee rose and reported the bill without amendment. [If this bill passes into a law it shall be inserted in the REGISTER.]

FOREIGN RELATIONS.

Friday, Jan. 29—Mr. *Grundy*, from the committee of foreign relations, made the following report,

The committee to whom was referred so much of the president's message of the 4th day of November last, as relates to our foreign affairs, REPORT—

That in presenting to the house at this time a view of our relations with Great Britain, it is deemed unnecessary to recite the causes which produced the war. The wrongs which the United States had received from that power, for a long series of years, had already been laid before the public, and need not again be enumerated: they were too deeply felt to have been forgotten, although they may be forgiven by the American people. The United States having engaged in the war for the sole purpose of vindicating their rights and honor, that motive alone should animate them to its close. It becomes a free and virtuous people to give an useful example to the world. It is the duty of a representative government, to render a faithful account of its conduct to its constituents. A just sensibility to great and unprovoked wrongs and indignities will justify an appeal to arms; and honorable reparation should restore the blessings of peace; every step which they take, should be guided by a sacred regard to principle.

To form a correct estimate of the duties which the United States have to perform, it is necessary to take a view of the communications, which have passed between the executive of the United States and the British government since the declaration of war—Such a view, the committee is persuaded, will shew distinctly the existing ground of controversy between the two nations, and the indispensable obligation on the United States to maintain it.

Your committee has seen with much satisfaction, that at the moment of the declaration of war, the attention of the executive was engaged in an effort to bring it to a speedy and honorable termination. As early as the 26th of June last, the charge des affaires of the United States at London was instructed to propose to the British government an armistice, to take immediate effect, on conditions which it is believed the impartial world will consider safe, honorable and advantageous to Great Britain. They were few in number and limited to positive wrongs daily practised. That the orders in council should be repealed, and that our flag should protect our seamen, were the only indispensable conditions insisted on. Other wrongs, however great, were postponed for amicable negociation. As an inducement to the British government to forbear those wrongs, it was proposed to repeal the non-importation law, and to prohibit the employment of British seamen, in the public and private vessels of the United States; particular care was taken that these propositions should be made in a form as conciliatory, as they were amicable in substance.

Your committee cannot avoid expressing its astonishment at the manner in which they were received. It was not sufficient to reject the proposed armistice—terms of peculiar reproach and insult were adopted to make the rejection offensive.

It happened, that almost on the same day, in which the United States, after having been worn out with accumulated wrongs, had resorted to the last and only remaining honorable alternative in support of their rights, the British government had repealed, conditionally, its orders in council. That measure was unexpected, because every application for it had failed, although repeated to the very moment it was decided on. Conditional as the repeal was, it was admitted to have removed a great obstacle to accommodation.

The other only remained: the practice of impressment. It was proposed to the British government to open an amicable negociation to provide a substitute to it, which should be considered an ample equivalent. The substitute proposed was defined, and of a character so comprehensive, as to have removed, as was presumed, every possible objection to an accommodation. The proposition before made to exclude British seamen from our service was enlarged, so as to comprehend all native British subjects not already naturalized or entitled to naturalization under the laws of the United States; this was likewise rejected.

Your committee have sought with anxiety some proof of a disposition in the British government, to accommodate on any fair condition the important difference between the two nations, relative to impressment, but they have sought in vain; none is to be found either in the communications of the British minister to the American charge des affaires at London, or in those of the commander of the British naval forces at Halifax, made by order of his government to the department of state. They have seen with regret, that although lord Castlereagh professed a willingness in his government to receive and discuss amicably any proposition having in view either to check abuse in the practice of impressment or to provide a substitute to it, he not only declined entering into a negociation for the purpose, but discountenanced the expectation that any substitute could be proposed, which his government would accept. It merits notice also, though it ceased to be a cause of surprise, that in the communication of admiral Warren to the department of state, the subjest of impressment was not even alluded to.

Had the executive consented to an armistice on the repeal of the orders in council, without a satisfactory provision against impressment, or a clear and distinct understanding with the British government to that effect, in some mode entitled to confidence, your committee would not have hesitated to disapprove it.

The impressment of our seamen being deservedly considered a principal cause of the war, the war ought to be prosecuted until that cause be removed. To appeal to arms in defence of a right and to lay them down without securing it, or a satisfactory evidence of a good disposition in the opposite party to secure it, would be considered in no other light, than a relinquishment of it. To attempt to negociate afterwards, for the security of such right, in the expectation that any of the arguments, which have been urged before the declaration of war and been rejected, would have more weight, after that experiment had been made in vain, would be an act of folly which would not fail to expose us to the scorn and derision of the British nation and of the world.

On a full view therefore of the conduct of the executive in its transactions with the British government since the declaration of war, the committee consider it their duty to express their entire approbation of it. They perceive in it a firm resolution to support the rights and honor of their country, with a sincere and commendable disposition to promote peace, on such just and honorable conditions as the U. States may with safety accept.

It remains therefore for the United States to take their final attitude with Great Britain, and to maintain it with consistency, and with unshaken firmness and constancy.

The manner in which the friendly advances and liberal propositions of the executive have been received by the British government has in a great measure extinguished the hope of amicable accommodation. It is, however, possible that the British government, after instructing admiral Warren to communicate to the department of state the repeal of the orders in council, may have declined the arrangement proposed by Mr. Russell in the expectation that that measure would have been satisfactory to

the United States. Be this as it may, your committee consider it the duty of this house to explain to its constituents the remaining cause of controversy, the precise nature of that cause, and the high obligation which it imposes.

From what has been stated, it appears that however great the sensibility to other wrongs, the impressment of our seamen was that alone, which prevented an armistice, and in all probability an accommodation. Had that great interest been arranged, in a satisfactory manner, the president was willing to rely on the intrinsic justice of other claims, and the amicable spirit in which the negociation would have been entered into, for satisfaction in their favor.—Great Britain claims a right to impress her own seamen and to exercise it in American vessels. In the practice British cruizers impress American citizens, and from the nature of things, it is impossible that that abuse should not be carried to a great extent. A subaltern or any other officer of the British navy ought not to be the arbiter in such a case. The liberty and lives of American citizens ought not to depend on the will of such a party.

The British government has insisted that every American citizen should carry with him the evidence of his citizenship, and that all those not possessed of it might be impressed. This criterion, if not otherwise objectionable, would be so, as the document might be lost, destroyed or taken from the party to whom it was granted, nor might it in all be entitled to respect, as it might be counterfeited, transferred, or granted to improper persons. But this rule is liable to other and much stronger objections. On what principle does the British government claim of the United States so great and shameful a degradation? Ought the free citizens of an independent power to carry with them on the main ocean, and in their own vessels, the evidence of their freedom? And are all to be considered British subjects and liable to impressment who do not bear with them that badge? Is it not more consistent with every idea both of public as well as of private right, that the party setting up a claim to any interest, whether it be to persons or property, should prove his right? What would be the conduct of Great Britain under similar circumstances? Would she permit the public ship of any other power, disregarding the rights of their flag, to enter on board her merchant vessels, take from them such part of their crews as the boarding officers thought fit, often her own subjects, exposing by means thereof their vessels to destruction? Would she suffer such an usurpation to derive any sanction from her patient forbearance?

With the British claim to impress British seamen, the United States have no right to interfere, provided it be in British vessels or in any other than those of the United States. That American citizens should be exempted from its operation, is all that they demand. Experience has shewn that this cannot be secured otherwise, than by the vessel in which they sail. Take from American citizens this barrier, which ought to be held sacred, and there is nothing to protect them against the rapacious grasp of the British navy. This then is the extent of the demand of the United States, a demand so just in itself, so consistent and inseparable from their rights, as an independent nation, that it has been a cause of astonishment, that it should ever have been called in question. The foundation of the British claim is, that British seamen find employment in the service of the United States; this is represented as an evil affecting essentially the great interests of the British nation. This complaint would have more weight if sanctioned by the British example. It is known on the contrary, that it is in direct repugnance to it. Great Britain does not scruple to receive into her service all who enter into it voluntarily. If she confined herself within that limit, the present controversy would not exist. Heretofore the subjects of even the most despotic powers have been left at liberty to pursue their own happiness, by honest industry wherever their inclination led them.

The British government refuses to its seamen that privilege. Let not this, then, be a ground of controversy with that nation. Let it be distinctly understood, that in case an arrangement should be made between the two nations, whereby each should exclude from its service the citizens and subjects of the other, on the principles and conditions above stated, that this house will be prepared, so far as depends on it, to give it effect, and for that purpose to enact laws, with such regulations and penalties as will be adequate. With this pledge, it is not perceived on what ground the British government can persist in its claim. If British seamen are excluded from the service of the United States, as may be effectually done, the foundation of the claim must cease. When it is known that not one British seaman could be found on board American vessels, it would be absurd to urge that fact as a motive for such impressment.

In declaring a willingness to give a effect to the proposed arrangements your committee consider it equally the duty of the house to declare, in terms the most decisive, that should the British government still decline it, and persevere in the practice of impressment from American vessels, the United States will never acquiesce in that practice, but will resist it unceasingly with all their force. It is not necessary to inquire what the course would have been with respect to impressment, in case the orders in council had been repealed before the declaration of war—or how long the practice of impressment would have been borne, in the hope that the repeal would have been followed by a satisfactory arrangement with respect to impressment.

War having been declared, and the case of impressment being necessarily included as one of the most important causes, it is evident it must be provided for in the pacification. The omission of it in a treaty of peace, would not leave it on its former ground; it would in effect be an absolute relinquishment, an idea at which the feelings of every American must revolt. The seamen of the United States have a claim on their country for protection, and they must be protected. If a single ship is taken at sea, and the property of an American citizen arrested from him unjustly, it rouses the indignation of the country. How much more deeply then ought we to be excited, when we behold so many of this gallant and highly meritorious class of our fellow citizens snatched from their families and country and carried into a cruel and afflicting bondage. It is an evil which ought not, which cannot be longer tolerated. Without dwelling on the sufferings of the victims, or on that wide scene of distress which it spreads among their relatives through the country, the practice is in itself in the highest degree degrading to the United States as a nation. It is incompatible with their sovereignty—it is subversive of the main pillars of their independence. The forbearance of the United States under it has been mistaken for pusillanimity.

The British pretension was maturing fast into a right. Had resistance been longer delayed, it might have become one. Every administration remonstrated against it, in a tone which bespoke the glowing indignation of the country. Their remonstrances produced no effect. It was worthy the illustrious lead-

er of our armies, when called by the voice of his country to the head of the government, to pause, rather than to recommend to his fellow citizens a new war, before they had recovered from the calamities of the late one. It was worthy his immediate successors to follow his example. In peace our free system of government would gain strength, and our happy union become consolidated. But at the last session, the period had arrived when forbearance could be no longer justified. It was the duty of congress to take up this subject in connexion with the other great wrongs of which they complained, and to seek redress in the only mode which became the representatives of a free people. They have done so by appealing to arms, and that appeal will be supported by their constituents.

Your committee are aware that an interesting crisis has arrived in the United States, but they have no painful apprehension of its consequences. The course before them is direct. It is pointed out equally by a regard to the honor, the rights and interests of the nation. If we pursue it with firmness and vigor, relying on the aid of heaven, our success is inevitable. Our resources are abundant; the people are brave and virtuous, and their spirit unbroken. The gallantry of our infant navy bespeaks our growing greatness on that element, and that of our troops when led to action inspires full confidence of what may be expected from them when their organization is complete. Our union is always most strong when menaced by foreign dangers. The people of America are never so much one family as when their liberties are invaded.

The report concludes by recommending the passage of the following bill:

A bill for the regulation of seamen on board the public vessels and in the merchant service of the United States.

Sec. 1. *Be it enacted by the senate and house of representatives of the United States of America in congress assembled,* That from and after the termination, by treaty of peace, of the war in which the U. States are now engaged with Great Britain, it shall not be lawful to employ as seamen, or otherwise, on board of any public vessel of the United States, or of any vessel owned by citizens of the United States, or sailing under their flag, any person or persons, except natural born citizens of the United States, or citizens of the United States at the time of such treaty being made and concluded, or persons who being resident within the United States, at the time of such treaty, and having previously declared, agreeably to existing laws, their intention to become citizens of the United States, shall be admitted as such within five years thereafter, in the manner prescribed by law.

Sec. 2. *And be it further enacted,* That from and after the time as aforesaid, when this act shall take effect, it shall not be lawful to employ as seamen, or otherwise as aforesaid, except as is by this act excepted, any person or persons not natural born citizens of the United States, unless such person or persons shall produce to the commander of the public vessel, or to the collector of the customs of the district to which the private vessel belongs, the certificate of his or their having been naturalized. The President of the United States is hereby authorised, from time to time to make such other regulations, and to give such other directions to the several commanders of public armed vessels, and to the several collectors as may be proper and necessary respecting the requisite proofs of nativity or citizenship to be exhibited to the commanders or collectors aforesaid. And no person shall be admitted or employed as seaman or otherwise, as aforesaid, on board of any vessel owned by citizens of the United States, or sailing under their flag, unless his name shall have been entered in a list of the crew approved and certified by the collector for the district to which the vessel belongs.

Sec. 3. *And be it further enacted,* That from and after the time as aforesaid, when this act shall take effect, no seaman or other seafaring man, not being a citizen of the United States, shall be admitted or received as a passenger on board of any public vessel of the United States, or of any private vessel owned by citizens of the United States, or sailing under their flag, without a passport from the proper officers of the country of which such seaman or seafaring man may be subject or citizen.

Sec. 4. *And be it further enacted,* That from and after the time as aforesaid, when this act shall take effect, the consuls or commercial agents of any nation at peace with the United States, shall be admitted (under such regulations as may be prescribed by the President of the United States) to state their objections to the proper commander or collector as aforesaid, against the employment of any seaman or seafaring man on board of any public or private vessel of the United States, on account of his being a native subject or citizen of such nation, and not embraced within the description of persons who may thus be lawfully employed, according to the provisions of this act; and the said consuls or commercial agents shall also be admitted under the said regulations, to be present at the time when the proofs of the nativity or citizenship of the persons, against whom such objections may have been made, shall be investigated by such commander or collector.

Sec. 5. *And be it further enacted,* That if any commander of a public vessel of the United States, shall employ, or permit to be employed, or shall admit or receive, or permit to be admitted or received on board his vessel, any person whose employment or admission is prohibited by the provisions of this act, he shall, on conviction thereof, forfeit and pay the sum of one thousand dollars for each person thus unlawfully employed, or admitted on board such vessel.

Sec. 6. *And be it further enacted,* That if any person shall, contrary to the provisions of this act, be employed as a seaman or otherwise, or be received as a passenger on board of any vessel owned by citizens of the United States or sailing under their flag, the master or commander, and the owner or owners of such vessel, shall each respectively forfeit and pay five hundred dollars for each person thus unlawfully employed in any one voyage; which sum or sums shall be recovered, even although such seaman or person might have been admitted and entered in the certified list of the crew aforesaid, by the collector for the district to which the vessel may belong; and all penalties arising under or incurred by virtue of this act, may be sued for, prosecuted and recovered, with costs of suits by action of debt, in the name of the United States, or by indictment or information in any court, having competent jurisdiction to try the same, and shall accrue and be one moiety thereof to the use of the informer, and the other moiety thereof to the use of the U. States, except where the prosecution shall be first instituted on behalf of the United States, in which case the whole shall be to their use and may be examined, mitigated or remitted in like manner and under the like conditions, regulations and restrictions as are prescribed, authorised and directed by the act entitled "an act to provide for mitigating or remitting the forfeitures, penalties and disabilities, accruing in certain cases therein mentioned, passed the 3d day

of March, 1797, and made perpetual by an act, passed the 11th day of February, 1800.

Sec. 7. *And be it further enacted*, That nothing in this act contained, shall be construed to forbid any commander or master of a public or private armed vessel of the United States, whilst in a foreign port or place, from supplying any deficiency of seamen on board such vessel by employing subjects of such foreign country, with the permission of the government thereof.

Sec. 8. *And be it further enacted*, That the provisions of this act, shall have no effect or operation with respect to the employment as seamen, of the subjects or citizens of any foreign nation, which shall not have forbidden on board her public and private vessels the employment as seamen, or otherwise of native citizens of the United States; or who shall permit the commanders of her public vessels to impress or take away from on board any vessel, sailing under the flag of the United States, any seaman or any other person, not being a soldier or otherwise in the employment of an enemy of such nation.

Sec. 9. *And be it further enacted*, That nothing in this act contained, shall be so construed as to prevent any arrangement between the United States and any foreign nation, which may take place under any treaty or convention, made and ratified in the manner prescribed by the constitution of the U. States, and by which the reciprocal employment as seamen, of citizens or subjects of the two countries, may, in the instances and manner provided by such treaty or convention, be permitted.

Sec. 10. *And be it further enacted*, That no person who shall arrive in the United States from and after the time when this act shall take effect, shall be admitted to become a citizen of the U. States, who shall not, for the continued term of five years next preceding his admission as aforesaid, have resided within the United States, without being at any time during the said five years, out of the territory of the said states.

The bill was twice read, and

After some remarks from Mr. *Grundy*, Mr. *Seybert* and Mr. *Wright*, was made the order of the day for Wednesday. The report was ordered to lie on the table, and 5000 copies were directed to be printed.

Mr. *Kent* offered for consideration the following resolution; observing that as it merely proposed an enquiry, he did not expect it would meet with any objection:

"*Resolved*, That the committee of ways and means be instructed to enquire into the expediency of remitting the provisions of the nonimportation act on all importations of plaister of Paris, whether in neutral or American vessels."

Mr. *Baker* spoke in favor of the resolution at considerable length.

Mr. *Blackledge*, Mr. *Rhea* and Mr. *M'Kim*, opposed the resolution as aiming a blow at the nonimportation act, which they were disposed religiously to enforce.

The resolution was eventually rejected—57 to 56.

The house resumed the consideration of the militia bill. A motion was made to strike out all that part which provides for classing the militia, which was negatived—48 to 65. It was finally ordered to be engrossed for a third reading.

The house then resolved itself into a committee of the whole, and appropriated $100,000 to remunerate the officers and crew of the *Constitution* for destroying the *Guerriere*; which the house agreed to, and ordered the bill to a third reading.

Saturday Jan. 30.—The bill supplementary to the act for arming the whole body of the militia and for classing the same, was read the third time—Messrs. *Quincy*, *Tallmadge* and *Bigelow* spoke against the bill, and Messrs. *Robertson*, *Wright* and *Stow* in support of it. Mr. *Nelson* being opposed to the bill, moved to re-commit it—lost, yeas 46, nays 51.

Mr. *Rhea* supported the passage of the bill. Mr. *Williams* followed in support of the bill, and in reply to Mr. *Quincy* and Mr. *Tallmadge*.

The question on the final passage of the bill was then taken by yeas and nays, and carried, yeas 67, nays, 48, as follows:

YEAS.—Messrs. Anderson, Archer, Baker, Bard, Bassett, Bibb, Blackledge, Breckenridge, Cheves, Cochran, Clopton, Condit, Crawford, Davis, Dawson, Desha, Earle, Fisk, Franklin, Gray, Green, Grundy, B. Hall, O. Hall, Johnson, Kent, Kennedy, King, Lacock, Lewis, Little, Lowndes, Macon, Moore, M'Bride, M'Coy, M'Kee, M'Kim, Metcalf, Morrow, Newton, Ormsby, Pearson, Pickens, Pleasants, Randolph, Ridgely, Rhea, Roane, Roberts, Robertson, Sage, Sawyer, Seaver, Sevier, Seybert, Shaw, Stanford, Stuart, Stow, Troup, Turner, Williams, Wilson, Winn, Wright—67.

NAYS—Messrs. Bacon, Bigelow, Bleecker, Boyd, Brigham, Brown, Burwell, Chittenden, Cook, Davenport, Ely, Emott, Findley, Fitch, Gholson, Gold, Goldsborough, Goodwyn, Grosvenor, Harper, Hawes, Hufty, Hyneman, Jackson, Law, Lyle, Milnor, Morgan, Moseley, Nelson, Piper, Pitkin, Porter, Potter, Quincy, Reed, Richardson, Sammons, G. Smith, Sturges, Taggart, Taliaferro, Tallmadge, Tallman, Tracy, Wheaton, White—48.

Monday, Feb. 1.—The house resumed the consideration of the bill to compensate the officers and crew of the *Constitution* for destroying the *Guerriere*. The bill being on its third reading, several members spoke for and against it.

The argument against this bill was, that it would be setting a precedent which would be considered authoritative in future cases; that it was giving a donation for an act of duty only, though gallantly performed; it was rewarding a service, which, had it been rendered on land, would have received no remuneration, as experience had proved in the case of the Tippecanoe expedition; and that it was contrary to justice to confer pecuniary rewards on one class of our citizens in exclusion of others. In favor of the bill, it was stated that the captured vessel, if brought into port, would have produced six times the amount now proposed to be allowed to her; and that the captors ought not to incur a total loss from the destruction of the vessel, which the fear of her falling into the hands of the enemy had rendered necessary to the public service. It was urged, that if any *city* in the United States had to legislate on this subject, five times as much would have been awarded as is now proposed. All the gentlemen who spoke offered the tribute of their respect to the gallantry and conduct of the officers and seamen of our public vessels.

The question on the passage of the bill was decided as follows:

YEAS.—Messrs. Anderson, Baker, Basset, Bigelow, Blackledge, Bleecker, Breckenridge, Cheves, Cook, Condit, Cutts, Dawson, Findley, Fitch, Gholson, Gold, Goldsborough, Gray, Green, Grosvenor, Hawes, Kent, Key, Law, Lowndes, M'Bride, Milnor, Mitchill, Moseley, Nelson, New, Newton, Pearson, Pitkin, Pleasants, Porter, Randolph, Reed, Richardson, Robertson, Sammons, Sawyer, Sevier, Seybert, Sheffey, J. Smith, Stuart, Stow, Sturges, Tallman, Troup, White, Widgery, Winn, Wright—56.

NAYS.—Messrs. Alston, Archer, Avery, Bacon, Bard, Bibb, Brigham, Brown, Burwell, Butler, Carr, Chittenden, Cochran, Clopton, Crawford, Davis, Desha, Dinsmoor, Earle, Ely, Fisk, Franklin, B. Hall, O. Hall, Harper, Hufty, Hyneman, Johnson, King, Kennedy, Lacock, Lewis, Little, Lyle, Macon, M'Coy, M'Kee, Metcalf, Morgan, Morrow, Newbold, Ormsby, Pickens, Pond, Porter, Rhea, Roane, Roberts, Sage, Seaver, Shaw, G. Smith, Stanford, Strong, Turner, Wheaton, Whitehill, Williams, Wilson.—59.

So the bill was rejected.

The house then went into committee of the whole on the bill to increase the salaries of the secretaries of the war and navy departments, so as to make them equal to those of the secretaries of state and of the treasury. On the question to raise these salaries to 5000$—yeas 50, nays 66, so the motion was lost, and the bill afterwards indefinitely postponed

Tuesday, Feb. 2.—A letter was received from William Jones, esq. secretary of the navy, respecting the pension fund. This day was chiefly employed in considering the report of a select committee relative to military lands due the officers and soldiers of the Virginia line, on the revolutionary war establishment. No decision was had.

Wednesday, Feb. 4.—A bill to impose an additional duty on the importation of *wire*, was read the third time and passed.

Foreign relations.—The house resolved itself into a committee of the whole, Mr. Nelson in the chair, on the bill prohibiting the employment of foreign seamen in the armed vessels and merchant service of the United States.

The first section of the bill having been read—

Mr. *Grundy* rose to explain the various provisions of the bill, its general object, and the considerations by which the committee were influenced in reporting it. He commenced by soliciting a calm and deliberate consideration of the principles of the bill, and such amendment of its details as should seem to the house to be necessary. He then proceeded to an examination of the public law on this subject, the great principles of the bill, and its details.

Mr. *Wright* replied to Mr. Grundy and opposed the bill at considerable length. He considered it as a violation of public law, and as a violation of our constitution, so far as respects naturalization. He also viewed it as an attempt to wrest the treaty-making power from the hands of the executive, and offered many objections to the bill in principle and detail.

After he concluded, the committee rose, reported progress, and obtained leave to sit again.

The house resumed the unfinished business of yesterday, and concurred in the disagreement of the committee of the whole to the report of the select committee in favor of making provision for satisfying the claims to land of the officers and soldiers of the Virginia line on state establishment, by a vote of 68 to 40.

Events of the War.

MILITARY.

Gen. *Harrison*, left *Franklinton* for *Upper Sandusky* about the 12th ult. At the former place there remained on the 15th, 4 companies of U. S. infantry, and 3 companies of 12 months volunteers. It was there understood that gen *Winchester* was at the Rapids of the Miami. The weather has been been extremely severe. To the enterprize of this army great importance is duly attached. If *Malden* is taken, while the river is ice bound, the *Queen Charlotte*, now lying there, will fall into our hands, or be destroyed; as will also a large ship the enemy is building at that place.

Captain *Forsyth's* rifle company on the waters of the St. Lawrence, consists of 185 men, enlisted for five years.

During the last month, "*in compliment to admiral Warren*," the following additional volunteer corps were raised for the defence of *New-York*—colonel *Sitcher's* regiment of artillery, 1200 men; colonel *Swartwout's* do. 1000; col. *Hawkins'* do. 800; col. *Ward's* do. infantry; 500; col. *Dennison's* riflemen 500—total 4000 men.

It appears that the *British* troops in *Canada*, have suffered quite as much from disease as our own troops on the lines—but the *Canadians* have been too honest to represent the mortality a thousand times greater than it was, to check the recruiting service and the march of the militia, *as the practice is in the United States*.

The adjutant-general's return of the militia of *New York*, for the present year, is 69,017 infantry; 2,619 artillery; 3,403 cavalry—total 95,129 men.

A letter from *Urbanna*, (O.) dated the 13th ult. states that a great portion of the N. W. army was then about to move to *Detroit*. As before stated, the force under general *Harrison* amounts to 8000 effectives.

General *Armstrong*, Secretary at War, has arrived at Washington.

The waters of the St. Lawrence being ice bound, a great many deserters from the British are passing over—Some bring their arms with them. Policy will dictate the removal of these men from the lines.

To the public.—Having acted as Judge Advocate of general Tannehill's brigade, on the late expedition to Buffalo, I consider it my duty to state that the information communicated to the public by gen. Smyth—that a court martial of said brigade had fined a volunteer twelve and an half cents for desertion, is entirely unfounded—no such decision was made.

The misrepresentation (if undesigned) must have arisen from the circumstance of a soldier having been fined in that sum for firing off his gun contrary to orders. M. CANAN.

Burlington, (Vt.) Jan. 21.—On Tuesday last, was brought into camp, a Mr. Sears of Williston; he was taken on Hog-island, on his way to the enemy, with a load of provision. We understand that he was arrested by a lieutenant, and sergeant, of the United States army, and a citizen who volunteered his service. Sears is a giant in strength, and fought until he was overpowered. Those who took him are severely wounded, and are now confined to their rooms.

ARMY OF THE CENTRE.

Copy of a communication made by colonel William H. Winder, to general Smyth, relative to the attack on the enemy's lines, opposite and below Black-Rock, on the night of the 27th, Nov. 1812.

Black-rock, Dec, 7th, 1812.

Sir—I should before this have communicated the circumstances relative to the two enterprizes of the night of the 28th, had not your presence enabled you at once to learn the general result, so far as was necessary, to predicate other movements on; and had not my incessant occupation since rendered it almost impossible to find the requisite time. I deem it however my duty, in justice to the gallant officers and men who formed a part of that expedition, to present to you such particulars as I have obtained from those engaged in it, and which have been confirmed by the prisoners who were taken.

Agreeably to your order of the 27th, lieutenant colonel Boerstler embarked with about 200 of the 4th, in 11 boats; and captain King of the army, and lieutenant Angus of the navy, embarked with 150 soldiers and 70 sailors, in 10 boats; between 12 and 1 o'clock of the morning of the 28th. The embarkation of both detachments was made with exemplary silence, order and promptitude.

The detachment of captain King having to ascend the river against the current, to arrive at the point of attack, I directed him to move off first, so that the detachment under lieut. col. Boerstler having in some degree the advantage of the current, each party might arrive as nearly as possible at its point of attack at the same time.

The detachment of King and Angus was discovered by the centinels some time before it landed—and was assailed by a discharge of small arms from the centinels, and one or two discharges from a field piece at the Red House. Four boats out of the ten

nevertheless resolutely landed. The sailors under lieutenant Angus, with their characteristic impetuosity, rushed into the hotest fire, before the infantry could be formed after landing, and sustained considerable injury. Captain King, however, seconded by captain Morgan and Sprole, formed the infantry, which did land as expeditiously as possible—and in conjunction with lieutenant Angus, volunteer Swartwout, and the brave naval officers, soon overcame all resistance there. He then turned to the left, and proceeded to storm the enemy's lower battery, which was vigorously assailed, and soon carried, and the cannon spiked. He then proceeded to the next battery above—which the trepidation of the enemy had by this time abandoned—and spiked the cannon there and broke the carriage. In the mean time, lieutenant Angus and volunteer Swartwout, and their party of sailors, had spiked the field pieces at the Red House, and had thrown them, together with two caissons, into the river—which having accomplished, he retired to the place of landing, where, finding only four boats, and being ignorant that the others had not landed, and seeing nothing of the infantry, he concluded that either they had been made prisoners or had deserted him; and in consequence immediately embarked his men with his wounded prisoner, lieutenant King of the Royal Artillery, and returned round the lower end of Squaw Island again to the navy yard. In consequence of this unfortunate mistake, which arose from the failure of six of the boats to make their landing, captain King with captains Sprole and Morgan, and about 60 men, were left on the other shore.

Lieutenant-colonel Boerstler with his detachment had in the mean time proceeded down the river to attack and destroy the party stationed at Frenchman's creek, and the bridge over it.

The discovery of the party under captain King and lieutenant Angus at so early a period, and the consequent firing, had alarmed the centinels and party near Frenchman's creek, and lieutenant-colonel Boerstler immediately pushed to strike the shore at the nearest point, which, with a want of the knowledge of the localities of the place and the darkness of the night, occasioned him to land from a quarter to half a mile above the bridge—not without having received the fire of the centinels and a small party, and having a picket guard of about thirty men of the 49th drawn up and advancing upon them at the moment of landing. Four of his boats, misled by the darkness of the night, or the inexperienced rowers, being unable to force them across the current, fell below near the bridge, and were forced to retire by the party of the enemy stationed there.

The companies of captains Montgomery and Lane, and a part of Sullivan's company under lieutenant Kearney, however effected their landing with lieutenant-colonel Boerstler. The boat in which lieut. col. Boerstler was with captain Lane and twenty men, first reached the shore. These were formed as well, and as quickly as possible ordered to fire on the enemy—which was done with much gallantry, but not without some confusion, inseparable from darkness, in the face of an enemy ready to receive them, of whose numbers they were ignorant, and by men and officers for the first time engaged in a contest. The exertions of lieutenant-colonel Boerstler to keep his party in order, threw him somewhat in advance, and he was saved from the bayonet of one of the enemy by his presence of mind and promptitude in shooting him down with his pistol. An encouraging command at that moment brought the bayonets of his party in contact with those of the enemy, and they fled with precipitation, leaving several dead and two prisoners. The pursuit was pressed to the bridge. Several of the axes were in the boats which had not landed, and the necessity of encountering the enemy at the moment of landing occasioned those that were in the boats that had reached the shore to be left. A party however was detached under lieutenant Waring, to break up the bridge by any means which they could find: and about one-third of the planks were actually removed.

At this time all was silent with the parties under captain King and lieutenant Angus—and lieut. col. Boerstler supposed them either repelled or successful. At this moment lieutenant Woodward, commanding the boat guard, made a corporal and a private of the 49th prisoners, and learned that the whole force from fort Erie were coming down upon them, and that two hundred were within a few minutes' march of the boats. He immediately dispatched a messenger to inform lieut. col. Boerstler, who formed his party, hastened up to the boats, and a small distance above the boats discovered a considerable party of the enemy formed. Lieut. col. Boerstler by a feint in giving the title of field officers to captains, and battalions to companies in loud orders, endeavored to alarm the enemy by the apprehension of being out-numbered, ordered a fire and then a charge—the enemy fled without giving a chance to reach him.

The order being not to attempt to hold possession, lieut. col. Boerstler deemed it advisable to embark his troops to return—judging, as has since been ascertained, that the whole force from Fort Erie was approaching.

The success of captain King and lieutenant Angus had led the enemy to suppose that a large force had landed with them, and instead therefore, of coming down the river, they passed through the fields between the batteries and the woods, and came into the river road between the batteries and Frenchman's creek—probably without knowing that lieut. col. Boerstler's detachment had landed below—and when they found their advance dispersed by what, from lieut. col. Boerstler's feint, they had supposed a large party, they again turned off to the left through the fields, passed round the bridge and concentred their force below.

Had lieut. col. Boerstler known that the party of captain King had been successful, a junction might have been made, and every thing accomplished. But he was justified in supposing that as the enemy's force had passed down by the point of captain King's attack, he had been beaten off or taken—and that under that supposition it therefore became necessary for him immediately to embark.

Captain King with Morgan and Sprole, after accomplishing their object, and finding the boats gone, proceeded down the river—and near Frenchmans' creek found two of the enemy's boats, in which Morgan and Sprole, with about half the detachment and their prisoners embarked about day, and returned to our shore—captain King gallantly refusing to leave the shore unless all his men could acccompany him.

Lieutenant Waring, with eight men employed in breaking up the bridge, were left, notwithstanding lieutenant-colonel Boerstler in the most pointed manner, enquired several times after the party were on board, and before they put off, whether every one was on board. It was too dark to see, and he was left. You know the manner in which I saved him the next morning—and of the manner in which my attempt to land with the 14th and part of the 23d was frustrated.

I cannot close this communication, without expressing my high sense of the cool, intrepid and

collected manner in which lieut. col. Boerstler and the officers and men under him, conducted themselves in this, their first essay in practical war, under circumstances well calculated to have confused, distracted and intimidated veteran soldiers.

Captain King has placed his gallantry and magnanimity in a conspicuous point of view, by his storming the enemy's batteries and refusing to desert his men.

Lieutenant Angus and such of his men as landed, maintained the high character of American tars. He was unfortunately and necessarily misled by the absence of so many boats—and from this cause it arose, that we remained ignorant of the actual state of the enemy's shore, until it was too late to profit by it. I think, however, there is no man who would not have acted, under similar circumstances, as lieut. Angus did.

Lieutenant-colonel Boerstler has shewn by this night, that he is adequate to command in very trying and perplexing circumstances—and captain King has manifested most fully his character for gallantry and courage.

I cannot pretend to particularise the merits of others, where all who landed under the respective commands of these gentlemen, conducted themselves in the handsomest manner.

I am, with great respect, sir, your obedient serv't.
(Signed) W. H. WINDER,
Col. 14th Infanty U. S. Army.

Brig. Gen. Alexander Smyth,
Commanding Centre Army.

The subjoined is copied from an original letter from col. ULMER to the select men of Eastport, a copy of which was posted up at the exchange in that town on the 9th inst. and a flag sent to St. Andrew's, to convey the information to the inhabitants there.

EASTERN FRONTIER.

Head-Quarters at Eastport, January 8, 1813.

GENTLEMEN—I am instructed to endeavor to stop all intercourse between the subjects of the United States and the subjects of His Britannic majesty. I therefore notify you, for the information of the inhabitants of your town, and those persons who may reside in the town, that every person residing in the town, who is not an American citizen or subject, and does not take the oath of allegiance within six days, will be considered as prisoner of war, and will be removed to a place of safety—And every citizen who shall hereafter pass into the British dominions, except by permission from the commanding officer of this frontier, will be considered as carrying information to the enemy, and will be dealt with accordingly. Every person detected in supplying the enemy, or any subject of his Britannic majesty, with provisions of any kind, or other articles of comfort or use, will be apprehended for treason, and dealt with accordingly. Flags of truce will be granted to persons who have actual necessity to pass into the British provinces. All letters directed to British subjects will hereafter be inspected, and delivered to the officer of the first flag of truce that passes, if the letters are admissible. Aliens who wish to pass into the British government, are directed to apply within six days to the commanding officer at this post, who will furnish them with a flag of truce for the purpose.

I am, gentlemen, with great respect, your most obedient humble servant,
(Signed) GEORGE ULMER,
Colonel of Volunteers, commanding on the Eastern Frontier.

NAVAL.

Commodore *Decatur* was escorted, with great parade into *Philadelphia*, his native city, on Monday last. Party feelings were extinct in the reception of the hero.

The active privateer *Teazer*, has been captured by the St. Domingo of 74 guns, and burnt. The *Joseph* and *Mary*, of *Baltimore*, has been sent into *Jamaica*.

It appears, that the U. S. brig *Vixen*, was captured by the *Southampton*, after a chase of nine hours. Both vessels were afterwards totally lost on the island of *Conception* (Bahamas)—but the crews were saved and carried to *Nassau*.

The British sloop of war Avenger, going into the harbor of St. Johns (N. F.) struck on the Pancake rock, and was totally lost.

Etiquette of War. The cartel ship Pacific, about to sail from New-York for Liverpool, will go round to Reedy island, in the Delaware, and remain there a few hours for the reception of passengers and letters, which cannot be received at *New York*, that being considered a "garrisoned city."

A number of heavy British ships appeared off the light house at *Sandy-Hook*, on the afternoon of the 22nd ult. They effected nothing but to shew the alacrity of those to whom the defence of *New York*, is committed. At the advanced fort (Fort Richmond) every man was at his post, the furnaces *heated*, and every thing prepared to give sir *John B. Warren*, a *warm* reception.

Some time ago a great hue and cry was raised in New-York against one of the privateers belonging to that port, because she had sent in as prize, a small fishing vessel belonging to a lady of *New Brunswick*, though it was seized merely to prevent information of the privateer's movements to the enemy, and designed to be restored, as it was—We do not observe this sympathy for our own *oystermen*, who are captured by the *seventy-fours* off *New York*, and *robbed* of their cargoes. These are valiant deeds!—"*Nelsonising the main*" with a vengeance. The Virginia sloop, Two Sisters, with a load of prime oysters, was gallantly taken by admiral *Warren's* own ship.

We have the names of several *Americans* on board the *Dragon* of 74 guns, now on our coast. We have daily evidence of the justice of the broad assertion we have made—that not a single *British* vessel of war, be her stationed where it may, is destitute of *impressed Americans*.

Certain persons appear very unhappy at the idea that a squadron of ships of war from France may divert the attention of the British on our coasts.—"God save the king!"

A very valuable British ship of 500 tons, carrying eighteen guns and deeply laden with dry goods, muskets, ammunition and cannon, from London, via Halifax, for St. John's, N. B. went on shore on the 16th ult. on Moose Peeky Head, near Machias in the district of Maine. At Eastport they beat up for volunteers to get possession of her; but the British, hearing of the intended expedition, set fire to her, and she was entirely consumed.

The American prisoners at Gibraltar are treated in the most niggardly manner by the British; being closely confined, without a sufficiency of food.

Many American licensed vessels are at *Bermuda*, the masters and crews of which being plundered of all their little articles, are "magnanimously" turned ashore to get a subsistence by their wits, or starve. These are the "noble English."

The privateer Sparrow of Baltimore, with 4 short 6's and one long 9, and 45 men, engaged in *Surrinam roads*, the British ship Aimwell of fourteen 18's, four 12's and 51 men. After a fight of more than three

hours, during which the Sparrow lost one man, the British ran their vessel ashore to prevent the necessity of striking their colors.

From *Sackett's Harbor* we learn that the masts of the ship *Madison* are all up—and that another smaller vessel is building for the service, and in great forwardness. Every preparation appears to be made to repel the enemy if he shall attack the place. The *wicked* falsehoods about the decease of the troops there, are flatly contradicted.

A joint committee of the legislature of Massachusetts, have reported a bill to build a ship of 74 guns, to be called the *Massachusetts*, to be offered to the United States, and employed in the present war against Great Britain.

The British transport, Lady Johnson, from London, for Halifax, a prize to the French privateer Comet, of Bordeaux, has arrived at Port Penn, Delaware. She is reported to be laden with 40 pieces of battering cannon; 2000 bbls. large grain gun-powder, 90 lbs. each; a great parcel of Congreve rockets; a large quantity of muskets and accoutrements, with iron and leaden bullets, cordage and various munitions of war. These articles come to a very good market.

Salem privateers.—Since the declaration of war, eighteen privateers have sailed from Salem, carrying in the whole 115 guns. They have taken *eighty-seven* prizes, fifty-eight of which, carrying 127 guns, have arrived; of the remainder, several have been destroyed, or ransomed, or given up to the prisoners, and some have been re-captured. Of the vessels sent in, eleven were *American*; four of these were condemned, for trading with the enemy (we presume); two remain in court under the non-importation; the rest were compromised.

The French privateer brig *Comet* has arrived at Charleston from a cruise; during which she took ten vessels—several of them *new-made Spaniards*.

Mr. Seldon, the pilot of the Tamerlane, has returned to Norfolk; and was not put in irons as stated.

Fom Halifax we learn the British are making the greatest exertions to obtain seamen.

The following proclamation, by Hugh Pigot, esq. captain of his H. M. ship Orpheus, senior officer in the port of Halifax, was published the 26th of Dec.

"It is hereby certified and declared, all marines and seamen, who shall come into this province, from the United States of America, within three months from this date, shall be protected from impressment, and will be permitted to return to England or any part of the British dominions they please."

Five guineas are offered by the lieutenant-governor of the province, in addition to the king's bounty, for every able seamen that shall voluntary enter his majesty's service.

Very few prizes have lately reached Halifax.

Black-Rock, 8th Jan. 1813.

Sir—Whenever you are sufficiently recovered to travel with convenience to yourself, you will proceed to New-York and report yourself to the commanding officer at the navy-yard, who will receive you as one of the officers attached to that establishment.

I have the honor to be, respectfully, sir, your obedient servant,

(Signed) ISAAC CHAUNCEY.

Midshipman John H. Graham.

[The brave young officer alluded to in the above is only 19 years old. He is the son of col. *John A. Graham*, of *New-York*; and greatly distinguished himself in the late enterprize from *Black-Rock*, under lieut. *Angus*, when the British barracks were destroyed, their guns spiked, &c. He suffered the amputation of a leg in consequence of a wound from a musket ball."]

Statement of the British navy.—The following is the state and disposition of the British navy made up to the present day:

At sea, of the line, 97; from 50 to 44 guns, 11; frigates, 111; sloops, &c. 70; bombs and fire ships, 4; brigs, 167; cutters, 24; schooners, &c. 45—total 538. In port and fitting of the line, 38; from 50 to 44 guns, 8; frigates, 42; sloops, &c. 20; bombs and fire ships, 3; brigs, 30; cutters, 7; schooners, &c. 16—total 170. Guard ships of the line, 3; of 50 to 44, 1; frigates, 4; sloops, &c. 5; —total 13. Hospital ships, prison ships, &c. of the line, 21.

In commission, of the line, 159; of 50 to 44 guns, 20; frigates, 157; sloops, &c. 95; bombs, &c. 7; brigs, 202; cutters, 41; schooners, &c. 69—total 742.

Ordinary and repairing for service, of the line, 73; from 50 to 44 guns, 12; frigates 69; sloops, &c. 41; bombs, &c. 3; brigs, 10; schooners, &c. 4;—total 212.

Building, of the line, 28; 50 to 44 guns 4; frigates 15; sloops, 6; brigs, 4;—total 57. Grand total 1011. Decrease in the grand total this month, 13.

London paper.

American Prizes.

WEEKLY LIST—CONTINUED FROM PAGE 334.

"The winds and seas are Britain's wide domain,
"And not a sail, but by *permission*, spreads!"
British Naval Register.

323. Schooner Catharina, 3 guns and 24 men, provisions, dry goods &c. sent into Charleston, a prize to the Eagle and Lady Madison privateers of that port.

324. Schooner Maria, with a valuable lading of Dry Goods, captured by the above and released to discharge their prisoners, after removing the cargo.

325. Ship Rio Nouva, of 18 guns, with 25 men—not three years old, coppered and copper fastened, of 400 tons burthen, and in every respect a ship of the first class, bound from *London* for *St. Kitts* and *Antigua, laden with dry goods*—sent into New York by the *Rolla* of Baltimore, (See prize list for last week, where this ship is called *Rayonover*.)

326. Schooner Rebecca, laden with sugar and molasses, from Trinidad for Halifax, sent into New London by the privateer Jack's Favorite.

327. Ship Hope, 12 guns, from St. Thomas' for Glasgow, 400 tons burthen, with a full cargo of rum, sugar, cotton, &c. valuable; sent into Marblehead by the America of Salem.

328. Ship Ralph, from Quebec for London, a very large vessel, mounting — guns, laden with timber, &c. sent into Portland, by the same.

329. Brig Euphemia, 10 guns, from Laguira for Gibraltar, laden with 400,000 lbs. coffee, sent into ditto by ditto.

☞All the America's prizes, six in number, have now arrived but one—the yet missing vessel is a brig, captured in the *British channel*.

330, 331. A brig and a schooner, captured by the Decatur, off Madeira, and sent to France.

332. Schooner Meadow, captured by the Sparrow of Baltimore, and released, after divesting her of a quantity of dry goods.

333. Ship Mary, of 14 guns, of Bristol, richly laden with hardware, &c. sent into Newport, (R. I.) by the Rolla, of Baltimore.

334. Schooner Erin, from Currocoa for Jacquemel, laden with dry goods, sent into Charleston, by the Eagle of that port.

Mr. George Canning.

This "joker of jokes," as Mr. *Canning* has been facetiously called, laying aside his propensity to *pun*, has taken upon himself the more solemn character of a *fulfiller of prophecies*. The burthen of his late speech in the *British* house of commons is to express his regret, that the ministry had not battered down our cities, ravaged our coasts, and annihilated our commerce, *with the chief view of fulfilling the doleful prophecy of a gentleman he is pleased to call* "ONE OF THEIR WARMEST ADVOCATES" *in the congress of the United States*. The mournful oracle, he apprehends, may fall into disrepute, if not supported by the vigor of the *British* arms. [See his speech, page 338.] Amiable consideration! Charitable intent!—May he be consoled with the news of the *Frolic* we had with the *Macedonian*, and find great comfort in the activity of sir *John B. Warren*; who, with several ships of the line and a number of frigates, has already captured some *oyster boats* bound to *New-York!*

It is unfortunate, because eminently calculated to make the *British* cabinet persist in the wrong, that they believe they possess a very powerful party in the *United States*, ready to go all lengths with them. With astonishing impudence they speak of their "*friends*" here, as certainly as they "count the noses" of their own pensioners in parliament. But it is more unfortunate that the conduct of too many do really countenance and support this *false impression*, by the violence of their clamors, and the magnitude of their falsehoods respecting the administration and the business of the war. I call it a *false impression* as applied to a very large majority of that party the *British* build their hopes upon; for, though a few may have buried their honesty in the stye of corruption, the great body is really *American*, and will maintain the independence of their country. War is declared and actually exists; and few men will be found hardy enough to propose a peace that shall not have for its object *the security of our seamen*. It is impossible to make peace on any other terms; and let the administration change as it may *(four years hence)* there are no men in the *United States*, likely to be invested with the power, sufficiently base to abandon the gallant sailor, with "*Hull, Jones and Decatur*" staring them in the face. It is out of the question to expect peace without a good understanding on this matter, which is now the hinge of the war. The alternative might to have been yet longer delayed—we might have used *words* a few years more, and have parried the *contact* on this delicate and important point; BUT THE MATTER IS NOW AT ISSUE, AND THE PRINCIPLE MUST BE ESTABLISHED, *nolens volens*. In this straight there is no flying off or backing out. We *must* agree that the *British* have a right to impress *our* seamen, or sustain the contrary, by arms. In such a contest, all honest men will finally support the war, though they may have judged it imprudently entered into. The sovereignty of our nation mainly depends on this thing, and eternal disgrace will be fixed upon us if we do not sustain the controversy to a successful termination. The bill now before congress will do away all *pretences*, and settle the question on the broad ground of *justice*.

Great Britain was thus deceived (if our chronicles be true) at the commencement of the revolution.—Her lying correspondents on this side the *Atlantic* made her believe that a few "factious" persons only had determined to resist her *unconstitutional laws*. They said, that the whole spirit of "disaffection" lay in the little town of *Boston;* and that, though it made a great noise, a few "regulars" would easily silence it. In the mean time, these creatures preached to the people about the mighty power of the "mother country," and *predicted* the most signal vengeance on all who resisted the "supreme authority of king and parliament." Well—in obedience to these counsels, an army was sent to *Boston*, and the king had possession of the town; but what was the effect? Why, all the colonies, with *Washington*, from *Virginia*, at their head, contributed to the aid, and comfort and relief of the patriots at *Boston*. From less to more the thing went on, until INDEPENDENCE, hardly dreamt of at the beginning, was declared, and sustained and established. *Now* the very same kind of people tell the *British* government that it is *Virginia*, only, that urges the war—they say that "*Virginia influence*" is rapidly declining—with a single *stroke of the pen* they kill whole regiments of our newly raised troops, and declare and swear that men and money cannot be had to carry on the war, &c.—If the *British* believe these things they will again be mistaken; for, when the state of the times requires it, "the hundred hills of old *Massachusetts*" will be bristled with 50,000 bayonets, in the hands of her *yeomanry*, to defend the rights and integrity of the whole. Gen. *Burgoyne*, by his famous proclamation issued on the way to SARATOGA, gave the woeful augurers of his day a glorious prospect of the fulfilment of *their* predictions—but *Gates*, with his hardy band, *interpreted* the matter a different way; and the doleful set were sadly disappointed. Thus when the *British* minister shall "draw his sword and swear" the things he will do, these folks will tell us that ships of 74 guns, like the frogs of Egypt, will be found in our very bed chambers, and the *Alleganies*, themselves, be blown to pieces by the *Congreve* rockets! But, we trust in God, in the justice of our cause, and the valor of our countrymen, they will again find, that *to prophecy* is one thing, and *to fulfil the prediction* is another.

But lord *Castlereagh*, the modest lord *Castlereagh*, said, "that the war had been conducted with *all the means*, both naval and military, *that could be spared from other objects*." We believe this—for though *G. Britain* boasts of her "thousand vessels of war," one half of them are never at sea, and she is compelled to scatter them so much to watch and guard so many places and convoys, that she cannot overwhelm us in the doleful manner *predicted*, in 1775 and 1812. Witness the cruises that our frigates have made—witness the deeds of our private armed vessels! The main is not so easily "*bridged*." Nor are our cities so easily prostrated. With a vastly superior force one attempt was made at *Sackett's Harbor*—when *New-York*, the *favorite topic of prophecy*, is assailed, *we predict* the result will alike put to nought the sayings of the *rose-struck prophets!*

Committee of Foreign Relations.

In the proceedings of Congress will be found a masterly report from the committee of foreign relations, who have also reported a bill for the *regulation of seamen*, &c. As it is presumed every person will read this report and bill, we shall merely observe, that we consider the doctrine therein *conceded*, in the principle of reciprocity, as the *sine qua non* of all our hopes of peace with *Great Britain;* and that we are totally at a loss to apprehend any possible ground that can be taken in opposition to the plan proposed to do away the *pretences of impressment*. We trust this procedure will unite our country on the great question contended for, and silence all the minor points of controversy. If this will not do it—the prospect of union is hopeless; and we are much further gone in *British* subservicency that has been sup-

pected; it will only remain for the sincere *American* to take a stand, and, like the stag at bay, resolve on that spot to perish, if so his country's good requires of him.

THE CHRONICLE.

Died—at Burlington, Vt. on the 31st Dec. captain *William Walker*, of the 26th reg. U. S. infantry—a gentleman of great merit. He was interred with military and masonic honors, in the most respectful manner.

Certain inhabitants of the city of Washington have petitioned congress for the incorporation of a bank at the seat of government, to discount at FIVE *per cent.*

Finances of Virginia.—The expenditures of the state of Virginia for the year 1813, is estimated at $480,542 50—in which amount is included more than $100,000 for the manufactory of arms and other military purposes. The estimated receipts, including the money now in the treasury, amount to $580,984 96 cents.

The legislature of *New-York* have passed, or are about to pass, a law to admit the receipt of tickets at elections, written or printed, or partly of either. Heretofore they were all required to be written.

NEW-YORK ELECTION—13TH CONGRESS.

1*st district.*—*Ebenezer Sage*, 3,508, *John Lefferts*, 3,514, elected. Messrs. Blydenburg and Jay had, respectively, 3,431 and 3,446 votes.

2*nd district.*—Egbert Benson, 3,983; Jotham Post, jr. 3,912, elected. Messrs. *Ferguson* and *Irving* had, respectively, 3,737 and 3,728 votes.

3*rd district.*—*Peter de Noyelles*, 1,430, elected.—Mr. Morris had 1,218 votes, 559 votes were also given to Mr. *Van Courtland*, jr.

4*th district.*—Thomas J. Oakley, 1,990, elected. Mr. *Van Wyck* had 1,489 votes.

5*th district.*—Thomas P. Grosvenor, 1,688.—No opposition.

6*th district.*—*Jonathan Fisk*, 1,094, elected. *Two* candidates run against him; one had 609; the other 431 votes.

7*th district.*—*Abraham Hasbrouck*, 1,631, elected. Mr. De Wit had 1,484 votes.

8*th district.*—Samuel Sherwood, 2,303, elected.—Mr. *Ely* had 1,998 votes.

9*th district.*—John Lovett, 1,253, elected—no opposition.

10*th district.*—Hozea Moffitt, 2,146, elected—no opposition.

11*th district.*—*John W. Taylor*, 2,229, elected. Mr. Stewart had 1,974 votes.

12*th district.*—Zebulon R. Shipherd, 3,979 and Elisha I. Write, 3,979, elected. Messrs. *Skinner* and *Smith* had, respectively, 3,207 and 3,235 votes—besides 404 votes were given to Mr. *Livingston*.

13*th district.*—Alexander Boyd, 1,722, elected. Mr. *Gelbard* had 1,432 votes, and 208 were given to Mr. *Sheppard*.

14*th district.*—Jacob Markell, 2,487, elected.—Mr. *McIntyre* had 1,987 votes.

15*th district.*—William Dowzie, 4,417, and Joel Thompson, 4,478, elected. Messrs. *Roseboom* and *Patterson* had, respectively, 3,946 and 3,915 votes.

16*th district.*—Morris S. Miller, 2,709, elected.—Mr. *Brayton* had 1,572 votes.

17*th district.*—William S. Smith, 2,598, elected Mr. *H. Smith* had 1,996 votes.

18*th district.*—Moss Kent, 2,194, elected. Mr. *Brown* had 1,389 votes.

19*th district.*—James Geddes, 1,633, elected. Mr. *Miller* had 1,297 votes.

20*th district.*—*Daniel Avery*, 4,299, and *Oliver C. Comstock*, 4,324, elected. Messrs. Miller and Mathews had, respectively, 2,353 and 2,355 votes.

21*st district.*—Samuel M. Hopkins, 4,417, and Nathaniel W. Howel, 4,426, elected Messrs. *Bates* and *Loomis* had, respectively, 3,510 and 3,617 votes.

From the above return of votes, which is taken from the official statement, it appears that *New-York* will be represented in the next congress by 17 *federalists* and 8 *republicans*—the names of the latter in *italic*.

The prince regent, in his speech, congratulates parliament on the "success of the measures" that had been adopted to keep the starving manufacturers quiet; but does not say that these "measures" consist in the employment of 60,000 *bayonets*. It would not do to publish this alarming truth from the throne; but so it is, that the chief manufacturing towns are all *garrisoned* with militia, drawn from the *remote* parts of the country, the people of the neighborhoods not being confided in. *Manchester* has 6000 of these troops quartered in the town. The state of society is, indeed, deplorable; but the profligacy of the government remains undiminished.

A Paris paper of the 24th Nov. has the following most *important* article. "*His majesty*, the king of Rome, some time ago, entered his *twenty-first month*. The health of this *august infant* becomes more and more strong."

The Times, a London paper, of the 1st ult. says, "Lavender, one of the Bow-street officers, has seized, at Spithead, a vessel with a considerable quantity of arms on board, shipped at the port of London, and intended for America. It is added, that several of the persons concerned in the transaction are in custody."

Washington city, Jan. 28.—By the latest accounts from Laguira, it appears that on the 9th of Dec last, Alex. Scott, Esq. who presented a donation of provisions to the distressed inhabitants of Caraccas, from our government in June, 1812, has been ordered away from thence by the despotic Spanish monarchists, who have recently conquered the patriots of that province, together with all other Americans. Out of five vessels that conveyed our donations, four were detained near six months by the usurpers, during which time they have been nearly destroyed by the worms of those seas, and were obliged to be sacrificed by sale; one only escaped from under their batteries. [*Nat. Intel.*

LONDON, Nov. 21.—The failure of the Ermouth bank last week was truly distressing; the paper issued by it was the great currency of all that neighborhood to a partial degree, so that the shock was felt by every class, but more particularly by the lower orders of society, who had unbounded confidence in the proprietors; numbers of individuals are almost ruined in consequence thereof. The hubbub and tumult was so great and extraordinary the day it occurred that it bore more the appearance of the storming a castle, than the silent stoppage of a bank; every part was bravely beseiged—some got in and assailed the back gates, others attacked the front and windows, tore off the rails, and broke down the counters; many were so roughly handled, that a female in the midst of the throng was heard to shriek out, they were squeezing her to death—that she had rather lose her £80 worth of notes than her life, and begged for mercy that they would release her, which was after much difficulty effected, and she was pacified with possessing her notes in safety in the street. The bank continued paying, in confusion, about one hour, when it ceased, leaving a multitude in the dumps, who could not by any means, force an entrance within the walls.

THE WEEKLY REGISTER.

No. 24 of vol. III.] BALTIMORE, SATURDAY, February 13, 1813. [whole no. 76.

Hæc olim meminisse juvabit.—Virgil.

Printed and published by H. Niles, South-st. next door to the Merchants' Coffee House, at $5 *per annum.*

Mr. H. Clay's Speech,

In the House of Representatives of the United States, on Friday the 8th of January, 1813, *on the bill for raising an additional military force of* twenty thousand men, *for one year.*

Mr. H. Clay (speaker) said he was gratified yesterday by the recommitment of this bill to a committee of the whole house, from two considerations; one, since it afforded to him a slight relaxation from a most fatiguing situation, and the other, because it furnished him with an opportunity of presenting to the committee his sentiments upon the important topics which had been mingled in the debate. He regretted, however, that the necessity under which the chairman had been placed, of putting the question,* precluded him from an opportunity he had wished to have enjoyed of rendering more acceptable to the committee any thing he might have to offer on the interesting points it was his duty to touch. Unprepared, however, as he was to speak on this day, of which he was the more sensible from the ill state of his health, he would solicit the attention of the committee for a few moments.

I was a little astonished, I confess, said Mr. C. when I found this bill permitted to pass silently through the committee of the whole, and that, not until the moment when the question was about to be put for its third reading, was it selected as that subject on which gentlemen in the opposition, chose to lay before the house their views of the interesting attitude in which the nation stands. It did appear to me that the loan bill, which will soon come before us, would have afforded a much more proper occasion, it being more essential, as providing the ways and means for the prosecution of the war. But the gentlemen had the right of selection, and having exercised it, no matter how improperly, I am gratified, whatever I may think of the character of some part of the debate, at the latitude in which, for once, they have been indulged. I claim only, in return, of gentlemen on the other side of the house and of the committee a like indulgence, in expressing, with the same unrestrained freedom, my sentiments. Perhaps in the course of the remarks, which I may feel myself called upon to make, said he, gentlemen may apprehend that they assume too harsh an aspect. I have only now to say that I shall speak of parties, measures, and things, as they strike my moral sense, protesting against the imputation of any intention, on my part, to wound the feelings of any *gentleman.*

Considering the situation in which this country is now placed—in a state of actual war with one of the most powerful nations on the earth—it may not be useless to take a view of the past, of various parties which have at different times appeared in this country, and to attend to the manner by which we have been driven from a peaceful posture. Such an inquiry may assist in guiding us to that result, an honorable peace, which must be the sincere desire of every friend to America. The course of that opposition, by which the administration of the government had been unremittingly impeded, for the last twelve years, was singular, and, I believe, unexampled in the history of any country. It has been alike the duty and the interest of the administration to preserve peace. Their duty, because it is necessary to the growth of an infant people, their genius, and their habits. Their interest, because a change of the condition of the nation brings along with it a danger of the loss of the affections of the people. The administration has not been forgetful of these solemn obligations. No art has been left unessayed; no experiment, promising a favorable result, left untried, to maintain the peaceful relations of the country. When, some six or seven years ago, the affairs of the nation assumed a threatening aspect, a partial non-importation was adopted. As they grew more alarming an embargo was imposed. It would have attained its purpose, but it was sacrificed upon the altar of conciliation. Vain and fruitless attempt to propitiate! Then came a law of non-intercourse; and a general non-importation followed in the train. In the meantime, any indications of a return to the public law and the path of justice, on the part of either belligerent, are seized with avidity by administration—the arrangement with Mr. Erskine is concluded. It is first applauded and then censured by the opposition. No matter with what unfeigned sincerity administration cultivates peace, the opposition will insist that it alone is culpable for any breach between the two countries. Because the president thought proper, in accepting the proffered reparation for the attack on a national vessel, to intimate that it would have better comported with the justice of the king (and who does not think so?) to punish the offending officer, the opposition, entering into the royal feelings, sees in that imaginary insult abundant cause for rejecting Mr. Erkine's arrangement. On another occasion, you cannot have forgotten the hypercritical ingenuity which they displayed to divest Mr. Jackson's correspondence of a premeditated insult to this country. If gentlemen would only reserve for their own government half the sensibility which is indulged for that of Great Britain, they would find much less to condemn.—Restriction after restriction has been tried—negociation has been resorted to, until longer to have negociated would have been disgraceful. Whilst these peaceful experiments are undergoing a trial, what is the conduct of the opposition? They are the champions of war—the proud—the spirited—the sole repository of the nation's honor—the exclusive men of vigor and energy. The administration, on the contrary, is weak, feeble, and pusillanimous—"incapable of being kicked into a war." The maxim, "not a cent for tribute, millions for defence," is loudly proclaimed. Is the administration for negociation? The opposition is tired, sick, disgusted with negociation. They want to draw the sword and avenge the nation's wrongs. When, at length, foreign nations, perhaps, emboldened by the very opposition here made, refused to listen to the amicable appeals made, and repeated and reiterated by administration, to their justice and to their interests—when, in fact, war with one of them became identified with our independence and our sovereignty, and it was no longer possible to abstain from it,

* The chairman had risen to put the question, which would have cut Mr. C. off from the chance of speaking, by returning the bill to the house.—Edit.

behold the opposition becoming the friends of peace and of commerce. They tell you of the calamities of war—its tragical events—the squandering away of your resources—the waste of the public treasure, and the spilling of innocent blood. They tell you that honor is an illusion! Now we see them exhibiting the terrific forms of the roaring king of the forest. Now the meekness and humility of the lamb! They are for war and no restrictions, when the administration is for peace. They are for peace and restrictions, when the administration is for war. You find them, sir, tacking with every gale, displaying the colors of every party, and of all nations, steady only in one unalterable purpose, to steer, if possible, into the haven of power.

During all this time the parasites of opposition do not fail by cunning sarcasm or sly inuendo to throw out the idea of French influence, which is known to be false, which ought to be met in one manner only, and that is by the lie direct. The administration of this country devoted to foreign influence! The administration of this country subservient to France! Great God! how is it so influenced! By what ligamen, on what basis, on what possible foundation does it rest? Is it on similarity of language? No! we speak different tongues, we speak the English language. On the resemblance of our laws? No! the sources of our jurisprudence spring from another and a different country. On commercial intercourse? No! we have comparatively none with France. Is it from the correspondence in the genius of the two governments? No! here alone is the liberty of man secure from the inexorable despotism which every where else tramples it under foot. Where then is the ground of such an influence? But, sir, I am insulting you by arguing on such a subject. Yet preposterous and ridiculous as the insinuation is, it is propagated with so much industry, that there are persons found foolish and credulous enough to believe it. You will, no doubt, think it incredible (but I have nevertheless been told the fact,) that an honorable member of this house, now in my eye, has recently lost his election by the circulation of a story in his district, that he was the first cousin of the emperor Napoleon. The proof of the charge was rested on a statement of facts which was undoubtedly true. The gentleman in question, it was alleged, had married a connexion of the lady of the president of the United States, who was the intimate friend of Thomas Jefferson, late president of the United States, who some years ago was in the habit of wearing red French breeches. Now taking these premises as established, you, Mr. Chairman, are too good a logician not to see that the conclusion necessarily followed!

Throughout the period he had been speaking of, the opposition had been distinguished, amidst all its veerings and changes, by another inflexible feature—the application of every vile epithet which our rich language affords to Bonaparte. He has been compared to every hideous monster and beast, from that of the revelations to the most insignificant quadruped. He has been called the scourge of mankind, the destroyer of Europe, the great robber, the infidel, and heaven knows by what other names. Really, gentlemen remind me of an obscure lady in a city not very far off, who also took it into her head, in conversation with an accomplished French gentleman, to talk of the affairs of Europe. She too spoke of the destruction of the balance of power, stormed and raged about the insatiable ambition of the emperor; called him the curse of mankind, the destroyer of Europe. The Frenchman listened to her with perfect patience, and when she had ceased said to her, with ineffable politeness: Madame, it would give my master, the emperor, infinite pain, if he knew how hardly you thought of him!

Sir, gentlemen appear to me to forget that they stand on American soil; that they are not in the British house of commons, but in the chamber of the house of representatives of the United States; that we have nothing to do with the affairs of Europe, the partition of territory and sovereignty there, except in so far as these things affect the interests of our country. Gentlemen transform themselves into the Burkes, Chathams, and Pitts of another country, and forgetting from honest zeal the interests of America, engage with European sensibility in the discussion of European interests. If gentlemen ask me if I do not view with regret and horror the concentration of such vast power in the hands of Bonaparte? I reply that I do. I regret to see the emperor of China holding such immense sway over the fortunes of millions of our species. I regret to see Great Britain possessing so uncontrolled a command over all the waters of our globe. And if I had the ability to distribute among the nations of Europe their several portions of power and of sovereignty, I would say that Holland should be resusticated and given the weight she enjoyed in the days of her Dewitts. I would confine France within her natural boundaries, the Alps, the Pyrennees and the Rhine, and make her a secondary naval power only. I would abridge the British maritime power, raise Prussia and Austria to first rate powers, and preserve the integrity of the empire of Russia. But these are speculations. I look at the political transactions of Europe, with the single exception of their possible bearing upon us, as I do at the history of other countries or other times. I do not survey them with half the interest that I do the movements in South America. Our political relation is much less important than it is supposed to be. I have no fears of French or English subjugation. If we are united, we are too powerful for the mightiest power in Europe, or all Europe combined. If we are separated and torn assunder we shall become a prey to the weakest of them. In the latter dreadful contingency, our country will not be worth preserving.

Next to the notice which the opposition has found itself called upon to bestow upon the French emperor, a distinguished citizen of Virginia, formerly president of the United States, has never for a moment failed to receive their kindest and most respectful attention. An honorable member from Massachusetts, (Mr. Quincy) of whom I am sorry to say it becomes necessary for me, in the course of my remarks, to take some notice, has alluded to him in a remarkable manner. Neither his retirement from public office, his eminent services, nor his advanced age, can exempt this patriot from the coarse assaults of party malevolence. No, sir, in 1801, he snatched from the rude hands of usurpation the violated constitution of his country, and *that* is his crime. He preserved that instrument in form, and substance and spirit, a precious inheritance for generations to come, and for *this* he can never be forgiven. How impotent is party rage directed against him! He is not more elevated by his lofty residence, upon the summit of his own favorite mountain, than he is lifted, by the serenity of his mind, and the consciousness of a well spent life, above the malignant passions and turmoils of the day. No! his own beloved Monticello is not less moved by the storms that beat against its sides, than he hears with composure, if hears at all, the howlings of the whole British pack set loose from the Essex kennel. When the gentleman to whom I have been compelled to allude, shall have mingled his dust with that of his abused ancestors, when he shall be consigned to

oblivion, or if he lives at all, shall live only in the treasonable annals of a certain junto, the name of Jefferson will be hailed as the second founder of the liberties of this people, and the period of his administration will be looked back to as one of the happiest and brightest epochs of American history. I beg the gentleman's pardon: he has secured himself a more imperishable fame. I think it was about this time four years ago that the gentleman submitted to the house of representatives an initiative proposition for an impeachment of Mr. Jefferson. The house condescended to consider it. The gentleman debated it with his usual *temper, moderation* and *urbanity*. The house decided it in the most solemn manner, and although the gentleman had somehow obtained a second the final vote stood, one for the proposition, 117 against it! The same historic page that transmitted to posterity the virtues and the glory of Henry the great of France, for their admiration and example, has preserved the infamous name of the fanatic assassin of that excellent monarch. The same sacred pen that pourtrayed the sufferings and crucifixion of the saviour of mankind has recorded, for universal execration, the name of him who was guilty, not of betraying his country, but (a kindred crime) of betraying his God!

In one respect there is a remarkable difference between administration and the opposition—it is a sacred regard for personal liberty. When out of power my political friends condemned the surrender of Jonathan Robbins; they opposed the violated liberty of the press, in the sedition law; they opposed the more insidious attack upon the freedom of the person under the more unposing garb of the alien law. The party now in opposition, then in power, advocated the sacrifice of the unhappy Robbins, and paased those two laws. True to our principles, we are now struggling for the liberty of our seamen against foreign oppression. True to theirs, they oppose the war for this object. They have indeed lately affected a tender solicitude for the liberties of the people, and talk of the danger of standing armies, and the burden of taxes. But it is evident to you, Mr. Chairman, that they speak in a foreign idiom. Their brogue betrays that it is not their vernacular tongue. What! the opposition, who in 1798 and 1799, could raise an useless army to fight an enemy three thousand miles distant from us, alarmed at the existence of one raised for a known specified object—the attack of the adjoining provinces of an enemy. Is the gentleman from Massachusetts, who assisted by his vote to raise the army of 25,000, alarmed at the danger of our liberties from this very army!

I mean to speak of another subject, which I never think of but with the most awful considerations.—The gentleman from Massachusetts, in imitation of some of his predecessors in 1799, has entertained us with cabinet plots, presidential plots, which are conjured up in the gentleman's own perturbed imagination. I wish, sir, that another plot of a much more serious kind—a plot that aims at the dismemberment of our union, had only the same imaginary existence. But no man, who has paid any attention to the tone of certain prints, and to the transactions in a particular quarter of the union for several years past, can doubt the existence of such a plot. It is far, very far from my intention to charge the opposition with such a design. No, I believe them generally incapable of it. I can not say as much for some who are unworthily associated with them in the quarter of the union to which I refer. The gentleman cannot have forgotten his own sentiment, uttered even on the floor of this house, "peaceably if we can, FORCIBLY if we must." In and about the same time Henry's mission to Boston was undertaken. The flagitiousness of that embassy has been attempted to be concealed by directing the public attention to the price which the gentleman says was given for the disclosure. As if any price could change the atrociousness of the attempt on the part of Great Britain, or could extenuate in the slightest degree, the offence of those citizens, who entertained and deliberated upon the proposition! There is a most remarkable coincidence between some of the things which that man states and certain events in the quarter alluded to. In the contingency of war with Great Britain, it will be recollected that the neutrality and eventual seperation of that section of the union was to be brought about. How sir, has it happened, since the declaration of war, that British officers in Canada have asserted to American officers that this very neutrality would take-place? That they have so asserted can be established beyond controversy. The project is not brought forward openly, with a direct avowal, of the intention. No, the stock of good sense and patriotism in that portion of the country is too great to be undisguisedly encountered. It is assailed from the masked batteries of friendship to peace and commerce on the one side, and by the groundless imputation of opposite propensities on the other. The affections of the people there are to be gradually undermined. The project is suggested or withdrawn; the diabolical parties, in this criminal tragedy, make their appearance or their exit, as the audience to whom they address themselves are silent, applaud or hiss. I was astonished, sir, to have lately read a letter, or pretended letter, published in a prominent print in that quarter, written not in the fervor of party zeal, but coolly and deliberately, in which the writer affects to reason about a separation, and attempts to demonstrate its advantages to different sections of the union, deploring the existence of what he terms prejudices against it, but hoping for the arrival of the period when they shall be eradicated. But sir, I will quit this unpleasant subject; I will turn from one, whom no sense of decency or propriety could restrain from soiling the carpet on which he treads,* to gentlemen who have not forgotten what is due to themselves, the place in which we are assembled, nor to those by whom they are opposed. The gentlemen from North Carolina, (Mr. Pearson) from Connecticut, (Mr. Pitkin) and from New York, (Mr. Bleecker,) have with their usual decorum, contended that the war would not have been declared, but for the duplicity of France, in witholding an authentic instrument of repeal of the decrees of Berlin and Milan; that upon the exhibition of such an instrument the revocation of the orders in council took place; that this main cause of the war, but for which it would not have been declared, being removed, the administration ought to seek for the restoration of peace; and that upon its sincerely doing so, terms compatible with the honor and interest of this country may be obtained. It is my purpose to examine, first into the circumstances under which the war was declared; secondly, into the causes for continuing it; and lastly, into the means which have been taken or ought to be taken to procure peace. But, sir, am really so exhausted that, little as I am in the habit of ask-

* It is due to Mr. Clay to observe, that one of the most offensive expressions used by Mr. Q. an expression which produced disgust on all sides of the house, has been omitted in that gentleman's reported speech, which in other respects has been much softened.—EDITOR.

ing of the house an indulgence of this kind, I feel that I must trespass on their goodness.

[*Here Mr. C. sat down. Mr. Newton moved that the committee rise, report progress, and ask leave to sit again, which was done. On the next day he proceeded.*]

I am sensible, Mr. Chairman, that some part of the debate, to which this bill has given rise, has been attended by circumstances much to be regretted, not usual in this house, and of which it is to be hoped there will be no repetition. The gentleman from Boston had so absolved himself from every rule of decorum and propriety, had so outraged all decency, that I have found it impossible to suppress the feelings excited on the occasion. His colleague, whom I had the honor to follow, (Mr. Wheaton) whatever else he might not have proven, in his very learned, ingenious and original exposition of the powers of this government—an exposition in which he has sought, where no body before him has looked, and no body after him will examine, for a grant of our powers, the preamble to the constitution—has clearly shown, to the satisfaction of all who *heard* him, that the power is conferred of defensive war. I claim the benefit of a similar principle, in behalf of my political friends, against the gentleman from Boston. I demand only the exercise of the right of repulsion. No one is more anxious than I am to preserve the dignity and the liberality of debate—no member more responsible for its abuse. And if, on this occasion, its just limits have been violated, let him, who has been the unprovoked cause, appropriate to himself exclusively the consequences.

I omitted yesterday, sir, when speaking of a very delicate and painful subject, to notice a powerful engine which the conspirators against the integrity of the union employ to effect their nefarious purpose—I mean southern influence, The true friend to his country, knowing that our constitution was the work of compromise, in which interests, apparently conflicting, were attempted to be reconciled, aims to extinguish or allay prejudices. But this patriotic exertion does not suit the views of those who are urged on by diabolical ambition. They find it convenient to imagine the existence of certain improper influences, and to propagate, with their utmost industry, a belief of them. Hence the idea of southern preponderance—Virginia influence—the yoking of the respectable yeomanry of the north, with the negro slaves, to the car of southern nabobs. If Virginia really cherished a reprehensible ambition, and aimed to monopolize the chief magistracy of the country, how was such a purpose to be accomplished? Virginia, alone, cannot elect a president, whose elevation depends upon a plurality of electoral votes, and a consequent concurrence of many states. Would Vermont, disinterested Pennsylvania, the Carolinas, independent Georgia, Kentucky, Tennessee, Ohio, Louisiana, all consent to become the tools of an inordinate ambition? But the present incumbent was designated to the office, before his predecessor had retired. How?—By public sentiment—public sentiment which grew out of his known virtues, his illustrious services, and his distinguished abilities.—Would the gentleman crush this public sentiment—is he prepared to admit that he would arrest the progress of opinion?

The war was declared because Great Britain arrogated to herself the pretension of regulating our foreign trade under the delusive name of retaliatory orders in council—a pretension by which she undertook to proclaim to American enterprize, "Thus far shall thou go, and no farther"—orders which she refused to revoke after the alleged cause of their enactment had ceased; because she persisted in the practice of impressing American seamen; because she had instigated the Indians to commit hostilities against us; and because she refused indemnity for her past injuries upon our commerce. I throw out of the question other wrongs. The war in fact was announced, on our part, to meet the war which she was waging, on her part. So undeniable were the causes of the war—so powerfully did they address themselves to the feelings of the whole American people, that when the bill was pending before this house, gentlemen in the opposition, although provoked to debate, would not, or could not, utter one syllable against it. It is true they wrapped themselves up in sullen silence, pretending that they did not choose to debate such a question in secret session. Whilst speaking of the proceedings on that occasion, I beg to be permitted to advert to another fact that transpired—an important fact, material for the nation to know, and which I have often regretted had not been spread upon our journals. My honorable colleague (Mr. M'Kee) moved, in committee of the whole, to comprehend France in the war; and when the question was taken upon the proposition, there appeared but ten votes in support of it, of whom, seven belonged to this side of the house, and three only to the other!

It is said that we were inveigled into the war by the perfidy of France; and that had she furnished the document in time, which was first published in England in May last, it would have been prevented. I will concede to gentlemen every thing they ask about the injustice of France towards this country. I wish to God that our ability was equal to our disposition to make her feel the sense we entertain of that injustice. The manner of the publication of the paper in question, was undoubtedly extremely exceptionable.——But I maintain that had it made its appearance earlier, it would not have had the effect supposed; and the proof lies in the unequivocal declarations of the British government. I will trouble you, sir, with going no further back, than to the letters of the British minister, addressed to the secretary of state, just before the expiration of his diplomatic functions. It will be recollected by the committee that he exhibited to this government a despatch from lord Castlereagh, in which the principle was distinctly avowed, that to produce the effect of a repeal of the orders in council, the French decrees must be absolutely and entirely revoked as to all the world, and not as to America alone. A copy of that despatch was demanded of him, and he very awkardly evaded it. But on the 10th of June, after the bill declaring war had actually passed this house, and was pending before the senate (and which I have no doubt was known to him) in a letter to Mr. Monroe, he says:—"I have no hesitation, sir, in saying that Great Britain, as the case has hitherto stood, never did, nor ever *could* engage, without the greatest injustice to herself, and her allies, as well as to other neutral nations, to repeal her orders, as affecting America, alone, leaving them in force against other states, upon condition that France would except, singly and specially, America from the operation of her decrees." On the 14th of the same month, the bill still pending before the senate, he repeats:—"I will now say, that I feel entirely authorised to assure you, that if you can at any time produce a *full and unconditional* repeal of the French decrees, as you have a right to demand it in your character of a neutral nation, and that it be disengaged from any question concerning our maritime rights, we shall be ready to meet you with a revocation of the orders in council. Previously to your producing *such* an instrument, which I am sorry to see you regard as unnecessary, you cannot expect of us to give up our orders in council." Thus, sir, you see that the Bri-

tish government would not be content with a repeal of the French decrees as to us only. But the French paper in question was such a repeal. It could not, therefore, satisfy the British government. It could not, therefore, have induced that government, had it been earlier promulgated, to repeal the orders in council. It could not, therefore, have averted the war. The withholding of it did not occasion the war, and the promulgation of it, would not have prevented the war. But gentlemen have contended that, in point of fact, it did produce a repeal of the orders in council—This I deny. After it made its appearance in England, it was declared by one of the British ministry, in parliament, not to be satisfactory. And all the world knows, that the repeal of the orders in council, resulted from the enquiry, reluctantly acceded to by the ministry, into the effect upon their manufacturing establishments, of our non-importation law, or to the warlike attitude assumed by this government, or to both. But it is said, that the orders in council are done away, no matter from what cause; and that having been the sole motive for declaring the war, the relations of peace ought to be restored. This brings me into an examination of the grounds for continuing the war.

I am far from acknowledging that, had the orders in council been repealed, as they have been, before the war was declared, the declaration would have been prevented. In a body so numerous as this is, from which the declaration emanated, it is impossible to say, with any degree of certainty, what would have been the effect of such a repeal. Each member must answer for himself. I have no hesitation, then, in saying, that I have always considered the impressment of American seamen as much the most serious aggression. But, sir, how have those orders at last been repealed? Great Britain, it is true, has intimated a willingness to suspend their practical operation, but she still arrogates to herself the right to revive them upon certain contingencies, of which she constitutes herself the sole judge. She waves the temporary use of the rod, but she suspends it, in terrorem, over our heads. Supposing it was conceded to gentlemen that such a repeal of the orders in council, as took place on the 23d of June last, exceptional as it is, being known before the war, would have prevented the war, does it follow that it ought to induce us to lay down our arms, without the redress of any other injury? Does it follow, in all cases, that that which would have prevented the war in the first instance, should terminate the war?—By no means. It requires a great struggle for a nation, prone to peace as this, to burst through its habits and encounter the difficulties of war. Such a nation ought but seldom to go to war. When it does it should be for clear and essential rights alone, and it should firmly resolve to extort, at all hazards, their recognition. The war of the revolution is an example of a war began for one object and prosecuted for another. It was waged, in its commencement, against the right asserted by the parent country to tax the colonies. Then no one thought of absolute independence. The idea of independence was repelled. But the British government would have relinquished the principle of taxation. The founders of our liberties saw, however, that there was no security short of independence, and they achieved our independence. When nations are engaged in war those rights in controversy, which are not acknowledged by the treaty of peace, are abandoned. And who is prepared to say that American seamen shall be surrendered, the victims to the British principle of impressment? And, sir, what is this principle? She contends that she has a right to the services of her own subjects. That, in the exercise of this right, she may lawfully impress them, even although she finds them in our vessels, upon the high seas, without her jurisdiction. Now I deny that she has any right, without her jurisdiction, to come on board our vessels, upon the high seas, for any other purpose but in pursuit of enemies, or their goods, or goods contraband of war. But she further contends, that her subjects cannot renounce their allegiance to her and contract a new obligation to other sovereigns. I do not mean to go into the general question of the right of expatriation. If, as is contended, all nations deny it, all nations at the same time admit and practice the right of naturalization. Great Britain herself does. Great Britain, in the very case of foreign seamen, imposes, perhaps, fewer restraints upon naturalization than other nation. Then if subjects cannot break their original allegiance, they may, according to universal usage, contract a new allegiance. What is the effect of this double obligation? Undoubtedly, that the sovereign having possession of the subject would have the right to the services of the subject. If he return within the jurisdiction of his primitive sovereign, he may resume his right to his services, of which the subject, by his own act, could not divest himself. But his primitive sovereign can have no right to go in quest of him, out of his own jurisdiction, into the jurisdiction of another sovereign, or upon the high seas, where there exists either no jurisdiction, or it belongs to the nation owning the ship navigating them. But, sir, this discussion is altogether useless. It is not to the British principle, objectionable as it is, that we are alone to look. It is to her practice. No matter what guise she puts on. It is in vain to assert the inviolability of the obligation of allegiance. It is vain to set up the plea of necessity, and to allege that she cannot exist without the impressment of HER seamen. The naked truth is, she comes, by her press gangs, on board our vessels, seizes OUR native seamen, as well as naturalized, and drags them into her service. It is the case, then, of the assertion of an erroneous principle, and a practice not conformable to the principle—a principle which, if it were theoretically right, must forever be practically wrong. We are told, by gentlemen in the opposition, that government has not done all that was incumbent on it to do to avoid just cause of complaint on the part of Great Britain—that, in particular, the certificates of protection, authorised by the act of 1796, are fraudulently used. Sir, government has done too much in granting those paper protections. I can never think of them without being shocked. They resemble the passes which the master grants to his negro slave, "let the bearer, Mungo, pass and repass without molestation." What do they imply? That Great Britain has a right to take all who are not provided with them. From their very nature they must be liable to abuse on both sides. If Great Britain desires a mark by which she can know her own subjects, let her give them an ear mark. The colors that float from the mast-head should be the credentials of our seamen. There is no safety to us, and the gentlemen have shown it, but in the rule that all who sail under the flag (not being enemies) are protected by the flag. It is impossible that this country should ever abandon the gallant tars, who have won for us such splendid trophies. Let me suppose that the genius of Columbia should visit one of them in his oppressor's prison, and attempt to reconcile him to his wretched condition. She would say to him, in the language of gentlemen on the other side, "Great Britain intends you no harm; she did not mean to impress you, but one of her own subjects; having taken you by mistake, I will remonstrate, and try to prevail upon her, by peaceable means, to release you,

but I cannot, my son, fight for you." If he did not consider this mockery, he would address her judgment and say, "You owe me, my country, protection; I owe you, in return, obedience. I am no British subject, I am a native of old Massachusetts, where live my aged father, my wife, my children. I have faithfully discharged my duty. Will you refuse to do yours!" Appealing to her passions, he would continue, "I lost this eye in fighting under Truxton, with the Insurgente; I got this scar before Tripoli; I broke this leg on board the Constitution, when the Guerriere struck." If she remained still unmoved, he would break out, in the accents of mingled distress and despair,

> Hard, hard, is my fate! once I freedom enjoyed,
> Was as happy as happy could be!
> Oh! how hard is my fate, how galling these chains!*

I will not imagine the dreadful catastrophe to which he would be driven by an abandonment of him to his oppressor. It will not be, it cannot be, that his country will refuse him protection.

It is said, that Great Britain has always been willing to make a satisfactory arrangement of the subject of impressment; and that Mr. King had nearly concluded one prior to his departure from that country. Let us hear what that minister says upon his return to America. In his letter dated at New-York in July, 1803, after giving an account of his attempt to form an arrangement for the protection of our seamen, and his interviews to this end with lords Hawkesbury and St. Vincent; and stating that, when he had supposed the terms of a convention were agreed upon, a new pretension was set up (the mare clausum), he concludes; "I regret not to have been able to put this business on a satisfactory footing, knowing as I do its very great importance to both parties; but I do flatter myself that I have not misjudged the interests of our own country, in refusing to sanction a principle that might be productive of more extensive evils than those it was our aim to prevent." The sequel of his negociation, on this affair, is more fully given in the recent conversation between Mr. Russell and lord Castlereagh, communicated to congress during its present session. Lord Castlereagh says to Mr. Russell:—

"Indeed there has evidently been much misapprehension on this subject, and an erroneous belief entertained that an arrangement, in regard to it, has been nearer an accomplishment than the facts will warrant. Even our friends in congress, I mean those who were opposed to going to war with us, have been so confident in this mistake, that they have ascribed the failure of such an arrangement solely to the misconduct of the American government. This error probably originated with Mr. King, for being much esteemed here, and always well received by the persons in power, he seems to have misconstrued their readiness to listen to his representations, and their warm professions of a disposition to remove the complaints of America, in relation to impressment, into a supposed conviction on their part of the propriety of adopting the plan which he had proposed. But lord St. Vincent, whom he might have thought he had brought over to his opinions, appears never for a moment to have ceased to regard all arrangement on the subject to be attended with formidable, if not insurmountable obstacles. This is obvious from a letter which his lordship addressed to sir William Scott at the time." Here lord Castlereagh read a letter, contained in the records before him, in which lord St. Vincent states to sir William Scott the zeal with which Mr. King had assailed him on the subject of impressment, confesses his own perplexity and incompetency to discover any practical project for the safe discontinuance of that practice, and asks for counsel and advice. "Thus you see," continued lord Castlereagh, "that the confidence of Mr. King on this subject was entirely unfounded."

Thus it is apparent, that, at no time, has the enemy been willing to place this subject on a satisfactory footing: I will speak hereafter of overtures made by administration since the war.

The honorable gentleman from New-York (Mr. Bleecker), in the very sensible speech with which he favored the committee, made one observation that did not comport with his usual liberal and enlarged views. It was that those who are most interested against the practice of impressment did not desire a continuance of the war on account of it, whilst those (the southern and western members) who had no interest in it, were the zealous advocates of the American seamen. It was a provincial sentiment unworthy of that gentleman. It was one which in a change of condition, he would not express, because I know he could not feel it. Does not that gentlemen feel for the unhappy victims of the tomahawk in the western country, although his quarter of the union may be exempted from similar barbarities? I am sure he does. If there be a description of rights which, more than any other, should unite all parties in all quarters of the union, it is unquestionably the rights of the person. No matter what his vocation; whether he seeks subsistence amidst the dangers of the deep, or draws it from the bowels of the earth, or from the humblest occupations of mechanic life: whenever the sacred rights of an American freeman are assailed, all hearts ought to unite and every arm should be braced to vindicate his cause.

The gentleman from Delaware sees in Canada no object worthy of conquest. According to him, it is a cold, sterile, and inhospitable region. And yet, such are the allurements which it offers, that the same gentleman apprehends that, if it be annexed to the United States, already too much weakened by an extension of territory, the people of New England will rush over the line and depopulate that section of the union! That gentleman considers it honest to hold Canada as a kind of hostage, to regard it as a sort of bond, for the good behavior of the enemy. But he will not enforce the bond. The actual conquest of the country would, according to him, make no impression upon the enemy, and yet the very apprehension only of such a conquest would at all times have a powerful operation upon him! Other gentlemen consider the invasion of that country as wicked and unjustifiable. Its inhabitants are represented as unoffending, connected with those of the bordering states by a thousand tender ties, interchanging acts of kindness, and all the offices of good neighborhood; Canada, said Mr. C. innocent! Canada unoffending! Is it not in Canada that the tomahawk of the savage has been moulded into its deathlike form? From Canadian magazines, Malden and others, that those supplies have been issued which nourish and sustain the Indian hostilities? Supplies which have enabled the savage hordes to butcher the garrison of Chicago, and to commit other horrible murders? Was it not by the joint cooperation of Canadians and Indians that a remote

*It is impossible to describe the pathetic effect produced by this part of the speech. The day was chilling cold, so much so, that Mr. Clay has been heard to declare, that it was the only time he ever spoke when he was unable to keep himself warm by the exercise of speaking; yet there were few eyes that did not testify to the sensibility excited.

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American fort, Michilimackinack, was fallen upon and reduced, in ignorance of a state of war? But sir, how soon have the opposition changed. When administration was striving, by the operation of peaceful measures, to bring Great Britain back to a sense of justice, they were for old fashioned war. And now that they have got old fashioned war, their sensibilities are cruelly shocked, and all their sympathies are lavished upon the harmless inhabitants of the adjoining provinces. What does a state of war present? The united energies of one people arrayed against the combined energies of another—a conflict in which each party aims to inflict all the injury it can, by sea and land upon the territories, property and citizens of the other, subject only to the rules of mitigated war practised by civilized nations.—The gentlemen would not touch the continental provinces of the enemy, nor, I presume, for the same reason, her possessions in the West Indies. The same humane spirit would spare the seamen and soldiers of the enemy. The sacred person of his majesty must not be attacked, for the learned gentlemen, on the other side, are quite familiar with the maxim, *that the king can do no wrong.* Indeed, sir, I know of no person on whom we may make war, upon the principles of the honorable gentlemen, but Mr. Stephen, the celebrated author of the orders in council, or the board of admiralty, who authorise and regulate the practice of impressment!

The disasters of the war admonish us, we are told, of the necessity of terminating the contest. If our achievements upon the land have been less splendid than those of our intrepid seamen, it is not because the American soldier is less brave. On the one element organization, discipline, and a thorough knowledge of their duties exist, on the part of the officers and men. On the other, almost every thing is yet to be acquired. We have however the consolation that our country abounds with the richest materials, and that in no instance when engaged in action have our arms been tarnished. At Brownstown and at Queenstown the valor of veterans were displayed, and acts of the noblest heroism were performed. It is true, that the disgrace of Detroit remains to be wiped off. That is a subject on which I cannot trust my feelings, it is not fitting I should speak. But this much I will say, it was an event which no human foresight could have anticipated, and for which administration cannot be justly censured. It was the parent of all the misfortunes we have experienced on land. But for it the Indian war would have been in a great measure prevented or terminated: the ascendancy on lake Erie acquired, and the war pushed perhaps to Montreal. With the exception of that event, the war, even upon the land, has been attended by a series of the most brilliant exploits, which whatever interest they may inspire on this side of the mountains, have given the greatest pleasure on the other. The expedition under the command of governor Edwards and colonel Russell, to lake Pioria on the Illinois, was completely successful. So was that of captain Craig, who it is said ascended that river still higher. General Hopkins destroyed the Prophet's town. We have just received intelligence of the gallant enterprise of colonel Campbell. In short, sir, the Indian towns have been swept from the mouth to the source of the Wabash, and a hostile country has been penetrated far beyond the most daring incursions of any campaign during the former Indian war. Never was more cool deliberate bravery displayed than that by Newman's party from Georgia. And the capture of the Detroit, and the destruction of the Caledonia, (whether placed to our maritime or land account) for judgment, skill and courage, on the part of lieut. Elliott, has never been surpassed.

It is alleged that the elections in England, are in favor of the ministry, and that those in this country are against the war. If in such a cause (saying nothing of the impurity of their elections) the people of that country have rallied around their government, it affords a salutary lesson to the people here, who at all hazards ought to support theirs, struggling as it is to maintain our just rights. But the people here have not been false to themselves; a great majority approves the war, as is evinced by the recent re-election of the chief magistrate. Suppose it were even true, that an entire section of the union were opposed to the war, that section being a minority, is the will of the majority to be relinquished? In that section the real strength of the opposition had been greatly exaggerated. Vermont has, by two successive expressions of her opinion, approved the declaration of war. In New-Hampshire, parties are so nearly equipoised, that out of 30 or 35,000 votes, those, who approved and are for supporting it, lost the election by only 1,000 or 1,500. In Massachusetts alone have they obtained any considerable accession. If we come to New-York, we shall find that other and local causes have influenced her elections.

What cause, Mr Chairman, which existed for declaring the war, has been removed? We sought indemnity for the past and security for the future. The orders in council are suspended, not revoked; no compensation for spoliations; Indian hostilities, which were before secretly instigated, now openly encouraged; and the practice of impressment unremittingly persevered in and insisted upon. Yet administration has given the strongest demonstrations of its love of peace. On the 26th June, less than 10 days after the declaration of war, the secretary of state writes to Mr. Russell, authorising him to agree to an armistice, upon two conditions only, and what are they? That the orders in council should be repealed, and the practice of impressing American seamen cease, those already impressed being released. The proposition was for nothing more than a *real* truce; that the war should in fact cease on *both* sides. Again on the 27th July, one month later, anticipating a possible objection to these terms, reasonable as they are, Mr. Monroe empowers Mr. Russell to stipulate in general terms for an armistice, having only an informal understanding on these points. In return, the enemy is offered a prohibition of the employment of his seamen in our service, thus removing entirely all pretext for the practice of impressment. The very proposition which the gentleman from Connecticut (Mr. Pitkin) contends ought to be made, has been made. How are these pacific advances met by the other party? Rejected as absolutely inadmissible, cavils are indulged about the inadequacy of Mr. Russell's powers, and the want of an act of congress is intimated. And yet the constant usage of nations I believe is, where the legislation of one party is necessary to carry into effect a given stipulation, to leave it to the contracting party to provide the requisite laws. If he fail to do so, it is a breach of good faith, and a subject of subsequent remonstrance by the injured party. When Mr. Russell renews the overture, in what was intended as a more agreeable form to the British government, lord Castlereagh is not content with a simple rejection, but clothes it in the language of insult. Afterwards, in conversation with Mr. Russell, the moderation of our government is misinterpreted and made the occasion of a sneer, that we are tired of the war. The proposition of admiral Warren is submitted in a spirit not more pacific. He is instructed, he tells us, to propose that the government of the United States shall instantly recall their letters of marque and reprisal against British ships, together with all

orders and instructions for any acts of hostility whatever against the territories of his majesty or the persons or property of his subjects. That small affair being settled, he is further authorised to arrange as to the revocation of the laws which interdict the commerce and ships of war of his majesty from the harbors and waters of the United States. This messenger of peace comes with one qualified concession in his pocket, not made to the justice of our demands, and is fully empowered to receive our homage, the contrite retraction of all our measures adopted against his master! And in default, he does not fail to assure us, that the orders in council are to be forthwith revived. Administration, still anxious to terminate the war, suppresses the indignation which such a proposal ought to have created, and in its answer concludes by informing admiral Warren, "that if there be no objection to an accommodation of the difference relating to impressment, in the mode proposed, other than the suspension of the British claim to impressment during the armistice, there can be none to proceeding, *without the armistice*, to an immediate discussion and arrangement of an article on that subject." Thus it has left the door of negociation unclosed, and it remains to be seen if the enemy will accept the invitation tendered to him. The honorable gentlemen from North Carolina (Mr. Pearson) supposes, that if congress would pass a law, prohibiting the employment of British seamen in our service, upon condition of a like prohibition on their part, peace would immediately follow. Sir, I have no doubt if such a law were passed, with all the requisite solemnities, lord Castlereagh would laugh at our simplicity. No, sir, administration has erred in the steps which it has taken to restore peace, but its error has been not in doing too little, but in betraying too great a solicitude for that event. An honorable peace is attainable only by an efficient war. My plan would be to call out the ample resources of the country, give them a judicious direction, prosecute the war with the utmost vigor, strike wherever we can reach the enemy, at sea or on land, and negociate the terms of a peace at Quebec or Halifax. We are told that England is a proud and lofty nation that disdaining to wait for danger, meets it half way. Haughty as she is, we once triumphed over her, and if we do not listen to the counsels of timidity and despair we shall again prevail. In such a cause, with the aid of Providence, we must come out crowned with success; but if we fail, let us fail like men, lash ourselves to our gallant tars, and expire together in one common struggle, fighting for "SEAMEN'S RIGHTS AND FREE TRADE."

Law of Ohio.

An act for the encouragement of volunteers in the North-Western Army of the United States.

WHEREAS in consequence of the lamentable disaster, which has happened to that part of the North-Western army of the United States, lately under the command of gen. Jas. Winchester, it becomes indispensably necessary that prompt and efficient measures should be adopted, to carry on the expedition contemplated by the army under the command of gen. Wm. H. Harrison; and whereas it may be impracticable to recruit and organize an adequate corps of the militia of this state, at so early a period as to reinforce the North-Western army, prior to the expiration of the term of service of the brigades under the command of general Tupper and general Perkins; and notwithstanding their valor and patriotism, yet considering the privations and sufferings those men have endured, it is unreasonable to expect or require of them to continue in service, after the expiration of the term aforesaid, without making them an additional compensation: Therefore,

Sec. 1. *Be it enacted by the general assembly of the state of Ohio*, That in case the term of service of any of the militia of this state, now under the command of general William Henry Harrison, should expire prior to his receiving a sufficient reinforcement, he is hereby authorised to accept their services for any longer period not exceeding two months; and provided the whole or any part of such militia shall volunteer, and subject themselves to the orders of the commander-in-chief of the North-Western army, to perform such services as he may require of them, a bounty at the rate of twelve dollars per month, shall be paid out of the treasury of this state, to each non-commissioned officer, musician and private of the militia of this state, now in the service of the United States, who shall volunteer and continue in the service aforesaid, in their respective corps; and the bounty so allowed, shall be apportioned and paid to such volunteers, for and according to the time they shall respectively continue to serve after the expiration of their present term of service.

Sec. 2. *And be it further enacted*, That a sum not exceeding forty thousand dollars is hereby appropriated, to be paid out of any money in the treasury of this state, not otherwise appropriated, for the payment of any non-commissioned officers, musicians and privates, who may serve as volunteers, agreeably to the provisions of the first section of this act; and the paymaster of any detachment of such volunteers, shall be entitled to receive bills from the auditor of public accounts, payable at the treasury; and the auditor is hereby required to issue the same, on such paymaster producing to him the pay rolls of any such detachment, duly certified by the commander-in-chief of the North-Western army.

JOHN POLLOCK,
Speaker of the house of representatives.
THOMAS KIRKER,
Speaker of the senate.

February 2, 1813.

Public Debt—Payments—Loans.

Letter from the secretary of the treasury, transmitting statements of the annual payments on account of the public debt, and of the revolutionary government; in obedience to a resolution of the house of representatives of the 22nd ultimo.

TREASURY DEPARTMENT, February 4th, 1813.

Sir,—I have the honor to transmit statements of the annual payments made on account of the public debt, and of the revolutionary government, prepared in conformity with the resolution of the house of representatives of the 22nd ultimo.

Finding that the sum of 39,856,620 dollars, stated by the register of the treasury (in his letter accompanying the statement of receipts and expenditures transmitted on the 11th ultimo,) as the aggregate amount of loans, embraced some items of a different nature, I also have the honor to transmit an explanatory statement (C) showing in one view the annual receipts on account of loans, and expenditures on account of the principal of the public debt.

I have the honor to be, &c.

ALBERT GALLATIN.

The honorable the Speaker of the House of Representatives.

A STATEMENT of the sums paid annually on account of the Public Debt from the commencement of the present government until the 30th of September, 1812, in which the sums paid for Principal, Interest, and Charges are distinguished, respectively; formed in pursuance of a resolution of the House of Representatives of the United States, of the 22d of January, 1813.

YEARS.	PRINCIPAL.	INTEREST.	CHARGES ON FOREIGN LOANS.	TOTAL.
From the 4th March, 1789, to 31st Dec. 1791,	2,938,512 6	2,090,637 44	358,800	5,287,949 50
1792,	4,062,037 76	3,076,628 23	125,000	7,263,665 99
1793,	3,047,263 18	2,714,293 83	57,948 28	5,819,505 29
1794,	2,311,285 57	3,413,254 50	54,062 20	5,778,602 27
1795,	2,895,260 45	3,136,671 16	52,480	6,084,411 61
1796,	2,640,791 91	3,183,490 56	-	5,824,282 47
1797,	2,492,378 76	3,220,043 6	80,000	5,792,421 82
1798,	957,012 86	3,053,281 28	-	3,990,294 14
1799,	1,410,589 18	3,186,287 60	-	4,596,876 78
1800,	1,203,665 23	3,374,704 72	-	4,578,369 95
1801,	2,878,794 11	4,396,998 69	4,000	7,279,792 80
1802,	5,413,965 81	4,120,038 95	5,000	9,539,004 76
1803,	3,407,331 43	3,790,113 41	6,000	7,203,444 84
1804,	3,905,204 90	4,259,582 55	7,000	8,171,787 45
1805,	3,220,890 97	4,140,998 82	8,000	7,369,889 79
1806,	5,266,476 73	3,694,407 88	29,000	8,989,884 61
1807,	2,938,141 62	3,369,578 48	-	6,307,720 10
1808,	6,832,092 48	3,428,152 87	-	10,260,245 35
1809,	3,586,479 26	2,866,074 90	-	6,452,554 16
1810,	5,163,476 93	2,845,427 53		8,008,904 46
1811,	5,543,470 89	2,465,733 16	-	8,009,204 5
From the 1st Jan. to the 30th of Sept. 1812,	b. 537,814 24	1,616,465 62	-	2,154,279 86
	72,632,936 33	71,442,865 24	687,290 48	144,763,092 5
To which add the amount paid during the above period for loss on exchange,				99,168 62
				a. 144862260 67

a. This includes all payments made and advanced either at the treasury of the U. States or by their commissioners abroad in relation to the domestic debt, or of the foreign and domestic loans, and is the amount stated by the register in his letter to the secretary of the treasury of the 10th of January, 1813.

b. Amount reimbursed 821,762 27
Paid from funds advanced in the preceding year 283,948 03

Leaves as above $537,814 24

Treasury Department, Register's Office, Feb. 3, 1813.
JOSEPH NOURSE, Register.

A STATEMENT of the whole amount paid annually on account of the Revolutionary Government from the commencement of the present government to the 31st of Dec. 1795; formed in pursuance of a resolution of the House of Representatives of the United States of the 22d of January, 1813.

YEARS.	For discharging warrants issued by the board of treasury.	Towards discharging certain debts contracted by A. Skinner, late commissary of prisoners.	Towards discharging certain debts contracted by colonel T. Pickering.	For paying bills of exchange drawn on commissioners at Paris for interest on loan office certificates.	For discharging a claim of O. Pollock, late commercial agent at N. Orleans.	TOTAL.
Fr. March 4, 1789 to Dec. 31 1791,	157,789 94	38,683 13	1,454 8	3,533	-	201,460 15
1792,	33 33	-	2,606 18	582	108,605 2	111,826 53
1793,	-	46 42	2,675 56	-	-	2,721 98
1794,	-	-	162 45	36	-	198 45
1795,	-	-	61 59	-	-	61 59
	157,823 27	38,729 55	6,959 86	4,151	108,605 2	a.316,268 70

a. Amount stated by the Register in his letter to the Secretary of the Treasury of the 10th of January, 1813.

Treasury Department, Register's Office, February 3, 1813.
JOSEPH NOURSE, Register.

(C.)

A STATEMENT of the monies annually received from foreign and domestic loans either at the Treasury of the United States or by their commissioners abroad: Also, of the monies annually paid on account of the princial of the public debt, from the commencement of the present government until the 30th of September, 1812.

YEARS.		Receipts from loans.	Payments on account of the principal of the public debt.
From the 4th of March, 1789, to the 31st of December,	1791	5,552,475 31	2,938,512 06
	1792	4,936,595 56	4,062,037 76
	1793	1,000,000 00	3,047,263 18
	1794	4,600,000 00	2,311,285 57
	1795	3,300,000 00	2,895,260 45
	1796	320,000 00	2,640,791 91
	1797	70,000 00	2,492,378 76
	1798	200,000 00	937,012 86
	1799	5,000,000 00	1,410,589 18
	1800	1,565,229 24	1,203,665 23
	1891	-	2,878,794 11
	1802	-	5,413,965 81
	1803	-	3,407,331 43
	1804	-	3,905,204 90
	1805	-	3,220,890 97
	1806	-	5,266,476 73
	1807	-	2,938,141 62
	1808	-	6,832,092 48
	1809	-	3,586,479 26
	1810	2,750,000 00	5,163,476 93
	1811	-	5,523,476 89
From the 1st of January, to the 30th of September,	1812	5,847,212 50	537,814 24
		a35,141,512 61	72,632,936 33

a. This sum of		35,141,512 61
Together with the amount received during that period for sales of		
Bank stock,	2,671,860 00	
Dividends on ditto,	1,101,720 00	
Interest on stock remitted to Europe,	136,400 00	
Gain on exchange,	805,127 39	
		4,715,107 39
Is the amount stated by the Register in his letter to the Secretary of the Treasury of the 10th of January, 1813,		$39,856,620 00

Live the Constitution!

"*We will ask the infatuated men of property, beguil-*"*ed by the arts of Albert Gallatin, by what fund, and* "*by whom they will be repaid the advances made on* "*exchequer bills and the loans, in the event of a dissolu-*"*tion of the union?*"——"*We will ask them further,* "*whether from present appearances, and under ex-*"*isting circumstances, there is the least foundation to* "*build a hope that the union will last* twelve months?" ——"*We look to Russia to save us from the horrors of* "*anarchy. If a reverse of fortune is in reserve for* "*Alexander, and the war continues, the union is inevit-*"*ably gone.*" The writer then goes on to predict the immediate migration of the "best men of the middle and southern states" to the eastern.

The preceding is literally copied from a newspaper published in the bosom and centre of the United States, the name of which, however, *I* shall not record; that has, perhaps, a greater number of subscribers than any in the union, owing to certain ever-to-be lamented events. If a reply were not disdained, we would say, that in the contingency so triumphantly anticipated, we would repay the monies from imposts levied on those *foreigners* who cannot do without *our* trade—would assert, and easily prove, that in the *back lands* there is a stable fund sufficient to return those monies a thousand times over—and declare, that they who make the insinuation have not "the least foundation to build a hope" of its reality, wish it as much as they can: and further say, that if our union depends upon a *foreign* consideration, it is not worth preserving.—But we prefer to plead a general issue; and leave these points to be settled by whom they may. Such conduct deserves the universal execration; and we shall offend none that we desire to please, by following the precepts of WASHINGTON, in "frowning indignantly" upon it.

The desperate lengths to which the love of money or a lust for domination, will carry some men, are as undefinable as the boundaries of space. And, in a country like the *United States*, where so much depends on the general opinion or prevailing sentiment of the people, it is not to be wondered that the freedom of discussion should sometimes assume

the appearance of, and in fact, grow into, rank treason; though the letter of the *law* remains unviolated. It was said of the *Dutch* merchants that they literally *trampled on the cross*, as the *permit* of their trade with *Japan*; and we are assured, past doubt, that the BRITISH government in *India* raises a revenue from the *human sacrifices* offered to *Juggernaut*; as well as that, for the sake of this gain, they pay the wages of a great number of *prostitutes* to assist in the ceremonies of the idol's worship, within the temple! —we have have no reason to believe that as corrupt an "itching palm" is not to be found in our own country; and that the most holy alliance between man and his CREATOR, and his country, or his neighbour, may not be as easily dissolved by the power of gold in the United States, as elsewhere.—And we often behold men whose disposition it appears to be—"rather to reign in hell than serve in heaven."

With these excitements, it is with less surprise than regret that we observe the infuriated manner in which certain conspicuous characters *earn their wages*, or manifest a design to *gratify their ambition*, at this particular period, when union is so necessary to the speedy and just recognition of the rights we contend for. Among the many cabinet secrets disturbed by the *French* revolution it came out, that *Great Britain* had paid, in *private presents*, to some persons of the *French* court the enormous sum of two millions sterling (nearly nine millions of dollars) to bring about the *commercial* treaty she once had with *France*. That treaty was not half so important to *Britain* as the succombing of the *United States*, at this time, would be; and it is fair to infer that immense sums of "secret service money" is distributed amongst us. There is no fact more notorious than that a great amount was lavished in this way during the revolution. Bribes were offered in all the possible shapes that sin assumes to tempt mankind to condemnation. The wages of infamy were freely exposed to every one; from the incorruptible *Reed* to the base *Arnold*, and from him down, down, down to the little villains, that employed themselves in plundering their neighbors' *sheep-folds* to supply the royal armies. It was a dirty business; and no tool was too miserable to be employed, if it would answer a purpose; the prices being as various as their uses.

Then, as now, as if by conjuration, these tools presented to the public horrible images, and *Arnold* justified the absolute sale of himself to the *British* government, by pleading his apprehensions of a "*French influence*" in the councils of our young republic, then allied to and assisted by *France* to work out its independence. For many centuries it has been the policy of the *British* to instil into the minds of their children, the most contemptible ideas of *France* and *Frenchmen*, and to prejudice them with a belief that their countries were "*natural* enemies" of each other. These early notions, sustained by the school-books put into their hands, by the personification of *Frenchmen* in the theatres, and a thousand other means, take a deep root; and perhaps, never are eradicated. *Arnold* knew the prejudices of his countrymen, and fastened himself upon them to soften down the odium of his own act in his self-sale to the enemy.

But *Arnold's* miserable attempt to justify himself was not half so flagrant as the proceedings of some men at this day. We have a pretty powerful party (or, at least, a very noisy one) that assumes to itself an exclusive admiration and regard for the name of WASHINGTON, while it calmly propose a *separation of the states*, or argues the *necessity* and *probability* of such an event! The illustrious chieftain taught us, above all things, to speak of the union of the states as the ark of our safety and happiness—he cautioned us always to think of the *confederation* with great reverence and gratitude; and positively directed us to "FROWN INDIGNANTLY ON THE FIRST DAWNING OF AN ATTEMPT" to weaken the bonds that make us one people. Were that man now living, how would the fire of his eye, like the forked lightning, rive to atoms the execrable knot that calls on his name, while they recommend the very things, that of all things he deprecated.§

Some eight or ten liberally supported newspapers, whose editors pronounce it next to impiety to doubt the correctness of the most trival incident of that good man's life, are constant and unceasing in their efforts to inflame the people of one part of the union against the people of another part, in preparation for the grand drama of blood to be acted in a civil war. I do not wonder at this; for those who support the human sacrifices and carnal prostitutions of *Juggernaut*, are fit tools for any thing else—but that they should find readers among the honest yeomanry of our country, (the cloven foot being so completely shewn) is what excites admiration. It is unfortunate that many look upon such stuff as mere *electioneering* matter, and pass it by as unworthy serious reprehension. But they ought to obey the solemn injunction of their WASHINGTON, and at all times, "frown indignantly" upon it. The mind of man easily becomes reconciled to the most imminent dangers; and *life*, itself, by a constant exposure, is cheapened in the estimation of its possessor. The gallant sailor laughs in the storm, and cracks his jokes amidst the thunder of cannon; and the soldier calmly takes his *tobacco* lest the fire of the enemy should deprive him of his last "*ration*!"‡ These men are not more *brave* than their fellows, but have so moulded their minds from the nature of their business, as not to fear even death. How dangerous then is it to become *familiar* with the idea that this republic may be dissolved! On this account it was that WASHINGTON so seriously enjoined us never to *suppose* it possible.

Convinced that no man, not purchased by money, or blinded by ambition, can really desire a separation of the states, I fear to trust my feelings to speak of such as *propose*, *insinuate* or *intimate* that dreadful catastrophe. But why is that constant outcry permitted? The public reason is a tribunal that might peacefully correct this *inert* treason, and look into absolute contempt the persons who commit it; who are also guilty a villainy (this is the mildest word I can use) that few men suspect. But I have seen in these papers the *official documents* of the United States mangled, distorted and garbled, by the *alteration* or *omission* of paragraphs and sentences, or by the neglect to publish the part of a series of papers that did not please the editors, so as to make the

§WASHINGTON'S FAREWELL ADDRESS.—"In contemplating the causes which may disturb your union, it occurs, as a matter of serious concern, that any ground should have been furnished, for characterising parties by *geographical* discriminations—*northern* and *southern*—*Atlantic* and *western*; whence designing men may endeavor to excite a belief, that there is a real difference of local interests and views. One of the expedients of party to acquire influence, within particular districts, is to misrepresent the opinions and aims of other districts. You cannot shield yourselves to much against the jealousies and heart burnings which spring from these misrepresentations;—they tend to render *alien* to each other, those who ought to be bound together by fraternal affection."

‡We have heard two pleasant anecdotes shewing that these things literally happened.

facts appear essentially different from what they really were. I solemnly aver to the truth of this annunciation; for I have observed it in *comparing* the documents, and in furnishing copy for the REGISTER. A fixed resolve to avoid all political controversy, thus long retained my remarks for my own reflections; for I felt as if I could not proclaim the fact without giving the names of the persons guilty of it; which, hereafter, if some other occasion occurs, I may consider myself yet bound to do.

If we did not believe it offensive to patriotism to say one word on the advantages of union, lest it might give some plausibility to the turnings and twistings of the enemy, it might easily be shewn that the "*commercial states*," (as a certain portion of our territory is artfully designated) owe *their* commerce to the *agriculture* of other portions of it. But this is worse than useless; being satisfied, as before observed, that every honest man views a serious proposition to dismember us with horror; yet thousands indirectly countenance such propositions, by giving their support to the papers that disseminate such doctrines *through party*. Here is a grand error.

There are few things we are so tenacious of as our political opinions; we cannot brook the idea of "shifting our ground," and hold to *our party* though it may frequently act contrary to our special ideas on important occasions. For it is not more absurd to suppose that "*the federalists*" (as a body) desire a severation of the states, than that the body of "*the republicans*" would subject the country to *France*.—Take "the federalists" individually and every one will say the war for our seamen is just, for "IMPRESSMENT MUST CEASE,"* yet, *as a party*, they condemn the war, and palliate the practice, to keep up opposition to an administration, whose general principles they cannot approve.† Thus, perhaps, in some cases, it may be on the other side; the spirit of party, hurrying the people to *collective* acts that *individually* they hate and despise. How shall a severation of party from patriotism be brought about? What shall we do that the honest, of all parties, may "frown" the knaves to insignificance? I have a thousand times thought of this matter, but the medium to effect it never presented itself till last week, in the report and bill from the committee of foreign relations, see page 358. I am not about to discuss the merits of that bill, at present; but it appears to me impossible, if it passes, that it shall not "separate the sheep from the goats," and divide us into real *Americans* and unqualified *Englishmen*. We are not surprized that this bill has completely *bothered*‖ the avaricious and ambitious demagogues, the genuine jacobins of the times; but the great body of the people do say, that its provisions go as far as it is possible for us to go in the work of conciliation; and declare, they will support the war, with all their heart and soul, if it shall not produce an immediate peace. Some object to the bill as *conceding* too much; but, in my opinion, while it abandons no *essential right*, it destroys all *pretence of wrong*, and ought to prevail, *as originally reported*.

It was with reluctance this subject has been touched; for we would have it believed as impossible to separate the states as to stop the courses of the planets. This was the view in which WASHINGTON taugh us to regard it. And if we have "*frowned indignantly*" on the wretches that insinuate or propose the contrary, we rest our defence in an obedience to his precepts, matured by experience and sanctified by their beneficial effects. There is no people under the canopy of heaven with the means of happiness so completely at their own command, as the people of the *United States*. If any desire to pass under the domination of *France*, or enjoy the blessings of the *British* government, let them do so—we only desire that they may permit the *friends of the constitution* "to manage their own affairs in their own way."

* *Oliver Wolcott*, esq. of New-York, is a gentleman of a great distinction in his party. At a meeting of the *New-England Society*, lately held in that city, where he presided, he gave the following truly American sentiment:

"*The seamen of the United States*:—whose perseverance, fidelity and patriotism entitle them to the *confidence* and *protection* of all just and honorable men—*May their personal rights be defended while our country enjoys any rights worth defending*."

If the reader will refer to page 385, *et seq.* of vol. II, of the WEEKLY REGISTER, he will find there recorded similar sentiments expressed by Messrs. *Timothy Pickering*, *Rufus King*, *John Marshall*, *Benjamin Stoddert*, *James M'Henry*, and other still prominent "federal" gentlemen. And on a late brilliant occasion, the sailor's feast at New-York, com. *Decatur*, claimed as a "federalist," and certainly one of the ablest *negociators* we ever had, gave the toast

"FREE TRADE AND NO IMPRESSMENT."

† I do not pretend to say that the "republicans" have *always* been free from the justice of this censure! Let them look to it.

‖ Extract from some remarks on the bill to prevent the employment of foreign seamen, published in a *New-York* paper:

"The course, proper to be pursued by the *friends of peace*, on this proposition, and the modification it may be susceptible of, is of delicate consideration, and may well invite a communication from all American statesmen, wherever they may be found."

Why this "*delicate* consideration"? The bill will secure to *Great Britain* all she affects to demand as her right, and remove the difficulty that, we always were told, forbade an arrangement on impressment. Let us come to the point—shall real *bona fide* American citizens be protected or not? If this will not give to *Great Britain* all her most ardent friends can reasonably demand for her, let them propose something to accomplish the purpose. Do they fear to commit themselves?

Events of the War.

NORTH-WESTERN ARMY.

DISTRESSING MASSACRE.

It is, indeed, a painful duty to record the facts and statements that follow; and to present a scene of *butchery* that has no parallel in the history of our wars. The advance of the north-westhern army, under the command of brigadier-general *Winchester*, has nearly all been slain, or taken prisoners:—one hundred, out of the one thousand men composing it, not escaping; and of the great body, at least one half *slaughtered*, *scalped*, and *mangled* by the *allied forces*. A British officer who, by a flag of truce, brought this news to *Buffalo*, said that the victory was *dearly purchased*, and further stated that four hundred prisoners taken in the engagement, were on their way to *Fort George*. Our private letter from *Chilicothe*, on which we fully rely, painfully represents the great disadvantages our people had to contend with; and to the gallant captain *Hart*, the beloved of all who knew him, we are, perhaps, indebted chiefly for the preservation of the lives of those taken prisoners, by the determined stand he took, *forcing a capitulation*. The brave WINCHESTER, too confident in the fears

of the enemy—a hero of the revolution, a soldier and a gentleman, is numbered with the dead—*mangled* by the "dear allies" of the *British* crown; and with him have fallen many of the best spirits of generous *Kentucky*, whose volunteers formed the greater part of the detachment. Sweet be their memories in the recollection of the just—and forever hated be that *influence* and *unholy affinity* that first prompted the savage foe to lift his hatchet. Be the blood of the deluded Indian on the *British* throne, when his *extermination* shall come—and come it *must* and *will*, sooner or later, before many months.

Amidst the gloom that these details present, we have cause to rejoice in the hope that *Harrison* and the brave spirits that accompany him, are rather stimulated than daunted by them—panting to avenge the bloody deed. And we confidently trust, that his ulterior objects will rather be accelerated by the increased ardor of his troops, than retarded by this unfortunate affair.

What shall we say of patriotic *Ohio?* See the act of the legislature, page 376, and behold the spirit of the people!

CHILICOTHE, *January* 23.

Extract of a letter from general Harrison to governor Meigs, dated head-quarters, North-Western Army, Rapids of the Miami, January 20th, 1813.

I have the pleasure to inform you that the detachment under colonel Lewis was completely successful in its attack upon the part of the enemy at the river Raisin. Their force there consisting of several hundreds of Indians and a company of militia, which were placed behind pickets, were attacked by our troops, about three o'clock on the 18th instant. The action lasted till night, when the enemy were completely routed. The Indians suffered considerably—their allies ran off with a piece of artillery in the commencement of the action. Our loss is 10 killed—2 captains and 20 privates wounded. General Winchester marched yesterday with 200 men to take the command at the river Raisin—he will have 1000 effective men. I am this moment dispatching five companies more of general Perkins' brigade.

CHILICOTHE, *February* 2.

Late last evening an express arrived in town, bearing letters from general Harrison to governor Meigs. A number of letters have also been received from officers in the army, which contain the melancholy account of the total defeat of the advanced detachment under the command of general Winchester. Of the engagement at the river Raisin, on the afternoon of the 18th of January, and the taking possession of that place by the force under colonel Lewis, the public are already informed. General Winchester reinforced colonel Lewis, with about 250 men on the 20th. On the morning of the 22d, at day break, the American force was attacked by the British and Indians. The line was formed as expeditiously as was practicable, from the irregular manner in which our troops were encamped. To the centre were opposed the British, with from three to six pieces of cannon—the Indians on the flanks.

The Americans are said to have fought bravely until they had exhausted their ammunition, with which general Winchester had not taken the precaution of supplying the troops; and they were scarcely able to fire five rounds. Those who surrendered on the field of battle, are said to have been taken prisoners by the British, while those who attempted to make their escape were pursued by the Indians on horseback, tomahawked and scalped.—The slaughter was great, and Kentucky has lost many valuable citizens and brave soldiers. About forty only have arrived at the head quarters of general Harrison. The opinions are various as to the force of the enemy—they are generally supposed, however, to have been 1600 strong. General Winchester was killed, and his body mangled in the most horrid manner by the Indians. He is said to have lodged three-fourths of mile from camp the night preceding the engagement, and his officers were principally at private houses. The reinforcement sent forward by general Harrison, had not arrived at the river Raisin, at the time of the defeat, and were ordered back to the Rapids of the Miami, where they arrived on the evening of the 22d. On the morning of the 23d, at 2 o'clock, a retreat was ordered by general Harrison. The troops have retired as far back as the Portage river, at the crossings of Hull's road, where they are well supplied with provisions. The movement of general Winchester to the river Raisin was to secure a considerable quantity of provisions, and to protect the inhabitants—it was without orders from general Harrison. Although this defeat may, for a short time, retard the progress of the army, the country may, notwithstanding, safely confide in the exertions of the general. Had not his well arranged system been partially frustrated by the precipitate movement of general Winchester, it would, in all human probability, have insured success.

ADDITIONAL INFORMATION.

Since the above was issued, another express has arrived in town, bearing a letter from general Harrison to governor Meigs, who has politely favored us with the following extract, dated

Head-Quarters, Carrying River 24th Jan. 1813.

"DEAR SIR—The event of which I expressed so much apprehension in my letter to you, from Lower Sandusky, has happened. The detachment under col. Lewis was reinforced by general Winchester with 250 men. He attended it and took the command at the river Raisin on the 20th, and on the 22d, he was attacked at reveille, by a considerable British and Indian force with six pieces of artillery: the troops being surprised and the ground unfavorable, had but little opportunity of forming to advantage. They were surrounded and broke in 20 or 25 minutes. A major and captain and about 25 privates were all that effected their escape.

I had but 360 men with me about three miles above the Rapids, where the news first reached me. I immediately ordered them to prepare to march, and set out with my staff to overtake a detachment of 300 men that had set out that morning for the river Raisin. I overtook them at the distance of six miles, but before the other troops (colonel Andrews' Ohio regiment) came up, it was ascertained that the defeat was complete, and it was the unanimous opinion of generals Payne, Perkins and the field officers, that we should return.—A detachment to the amount of 170 of the most active men, was sent forward with directions to proceed as far as possible to assist those who were fortunate enough to escape; there were however but few, the snow was so deep that the fugitives were entirely exhausted in running a few miles; those that did get off effected it by turning down to the lake and secreting themselves. I believe there were not more than 40 or 50 that got a mile from the scene of action, and the greater part of them were overtaken.

Never were the affairs of any army in a more prosperous situation than ours before the unfortunate step of marching the detachment to the river Raisin; it was made not only without any authority from me, but in opposition to my views. Every thing in my power was, however, done to prevent any disaster, and reinforcements were pushed on with as much rapidity as possible; major Cotgrove's battalion, the

first in the army, was within 14 miles of the scene of action, when he heard of the defeat, and 300 regular troops were also on their way. I remained at the Rapids with one regiment only. In justice to general Winchester, I must observe, that I have understood that the measure (marching the detachment to the river Raisin) was forced upon him by his officers; but, whatever may have been the cause, and however great the calamity, both as it regards the nation and individuals, it is certainly not irreparable. By the unanimous advice of the general and field officers, I took this position yesterday, for the purpose of forcing a junction with the troops in the rear, and to cover the very valuable convoy of artillery and stores that are coming from Upper Sandusky. Unless the weather is very unfavorable, I shall be at the Rapids again in four or five days, and shall certainly give the enemy an opportunity of measuring their strength with us in another contest. For myself I feel no doubt as to the result, and if I can judge of the disposition of the troops, from the manner in which they received an address from me yesterday, a desire of avenging their lost companions and retrieving their country's disgrace is the predominant passion that occupies their minds.

I know not what proportion the prisoners of gen. Winchester's late troops bear to the killed; some of the French who have come in, report the latter at 500 and others at 800. The detachment amounted to near 1000.

I am, with much regard, dear sir, your humble servant, WM. H. HARRISON.

His excellency governor Meigs.

[The following is an extract of the letter alluded to in the commencement of the above letter of gen. Harrison. It was dated Lower Sandusky, January 19, 1813.]

"Gen. Winchester has been at the Rapids since the 10th—he has pushed a detachment to the river Raisin. I have not learned the precise object. I shall set out this morning, and reach his camp this night. I have strong fears that colonels Lewis and Allen may be overpowered."

MORE PARTICULARS

In a letter to the editor of the REGISTER, from a gentleman of great respectability; which letter also enclosed the preceeding information, and has reference thereto:

CHILICOTHE, 3d Feb. 1813.

"DEAR SIR—I inclose you a hand-bill, containing our latest news from the army—an account of a most dreadful disaster to our arms; a disaster unprecedented in the annals of the present war, and enough to appal the stoutest heart!

We have several accounts of particulars, in addition to what is contained in the inclosed, which, from the source they are derived, may, I expect, be relied upon as nearly correct. Gen. *Harrison* was at *Lower Sandusky* when he received information of the detachment having been sent to the *River Raisin* by gen. *Winchester*. He dispatched a letter to gov. *Meigs* on the 19th ult. soon after, expressing his fears for its fate, and immediately set out for gen. *Winchester's* camp, accompanied by his staff, where he arrived late in the evening. Gen. *Winchester* had, the same day, marched with 250 men to the *River Raisin* to reinforce col. *Lewis*, and take the command. The next morning gen. *Harrison* dispatched a battalion from gen. *Perkins'* brigade, which was at the Rapids, as an additional reinforcement to *Winchester*. We are further informed that on the evening before the defeat, col. *Wells*, of the U. S. regulars, who was at the *River Raisin* with the advanced detachment, learned from some of the French inhabitants that the enemy would attack the camp that night. He immediately communicated this information to gen. *Winchester*, and begged of him to order the cartridges to be distributed among the men, the encampment to be formed in line of battle, and every preparation immediately taken to fortify it; but unfortunately the general could not admit the necessity of these measures, and spoke contemptuously of an attack from the Indians, who had been routed only a few days before. At this time the general was quartered three fourths of a mile from the camp, and most of the other officers at other houses along the river. Col. *Wells* could not prevail upon his excellency to take any of these precautionary measures, and being alarmed for the exposed situation of the camp, he immediately returned with all possible speed, accompanied by capt. *Langham*, to the Rapids, for a reinforcement, and meeting a detachment previously dispatched by gen. *Harrison*, had returned to within a few miles of the *River Raisin*, when the news of the defeat of *Winchester* reached them. It is also said that when the attack commenced, gen. *Winchester* ordered a retreat; but from the utter confusion which prevailed, this could not be effected, and he then told them to take care every man for himself, and attempted to make his own escape on horse back, but was overtaken before he had gone a mile, by the Indians, and killed and scalped. His body was cut open and mangled in a shocking manner, and one of his hands cut off. Accounts further state, that capt. *Hart*,* of the Kentucky volunteers, had his men immediately formed in line of battle; and, with some others who fell into his line, was left making a gallant stand against the enemy; and, it is hoped, he has been able to obtain from them terms of capitulation.

Carrying river, the place to which gen. *Harrison* has fallen back, and which is his present head-quarters, is 18 miles this side the *Rapids*, and 52 beyond *Fort M'Arthur*. From *Lower Sandusky* to the *Rapids* is about 40 miles, from thence to *River Raisin* 34—from thence to *Fort Malden* 18. The late encampment of the troops at the *River Raisin* was about three miles from the lake.

Upon the requisition of gen. *Harrison*, gov. *Meigs* has called out two regiments of Ohio militia, to rendezvous at *Franklinton*, on the 10th inst. to fill the ranks in place of those whose time of service will then expire. Other and larger drafts will no doubt be speedily made to reinforce the army. Gen. *Harrison*, it appears, is, notwithstanding the disastrous fate of *Winchester*, determined to prosecute the campaign vigorously, and with as little delay as possible.

There can be no doubt but that the fall of *Winchester* was owing to his imprudence in remaining with so small a force in an exposed situation, only 18 miles from the enemy's "strong hold," from which they could march to his camp, on the ice, *in four hours*. The procedure was altogether subversive of gen. *Harrison's* plans, and contrary to his arrangements, which were known to *Winchester*. But it is painful to dwell on so distressing a subject, the bare recollection of which, will, even many years hence, awaken a latent pang in the sympathetic breast."

In addition, we learn from other sources, which, however, we do not consider so responsible as the preceding, that *only* 700 men were killed, wounded and missing; that general *Winchester's* hand, chopped off, was thrust into a wound it his body; that the enemy's force consisted of about 200 *British* to

*Capt. *Hart* had a company of about 100 young men the flower of *Lexington* and its vicinity—and was himself one of best men that ever lived. He is the brother-in-law of Mr. Speaker *Henry Clay*.

manage the artillery, (6 pieces) and 2000 *allies*; that colonels *Lewis* and *Allen* were among the slain. All accounts agree in the the great confusion that prevailed from the loose manner in which the detachment was encamped, being confident in security. For the next publication, we expect many interesting details; which as usual, as well for present information, as future reference, shall be carefully laid before our readers.

In consequence of the manœuvres of the British fleet in the Chesapeake, (see naval department) the legislature of Virginia made an immediate appropriation to meet the expences, and several volunteer companies of cavalry, riflemen and infantry, immediately proceeded from *Richmond* and its vicinity, to *Norfolk*, accompanied by some of the United States regulars. The governor has gone to *Norfolk* to take the command in person. Only one spirit was found among the people on this interesting occasion.

From the 20th to the 27th of January, 58 persons reported themselves to captain *Forsyth* commanding at *Ogdensburg*, as deserters from the *British*.

New-York, Feb. 5.—About three hundred of the United States' troops have left the camp at Greenbush in sleighs for Sackett's harbor, in consequence of information having been received that the British were preparing to make a descent upon that place for the purpose of destroying the flotilla there.

We are informed, (says the Baltimore Whig) that general Armstrong intends joining the army of the centre, in order to promote the enterprize of the troops by his presence; his son a youth of about 20 years of age, was in the affair of Queenstown; he headed a company of 36 men, 14 of whom were killed and 16 wounded, he received four wounds, one with a musket ball and three with buck-shot.

From the London Pilot of November 28.

PORTSMOUTH, Nov. 27.—"Passed by last evening, *from Quebec bound to London*, the ships sir George Prevost and Euretta. The latter, it is said, *has* FIVE HUNDRED AMERICAN SCALPS *on board!*"

NAVAL.

The United States schooner Nonsuch (lately a privateer from Baltimore, and a very *warm* and valuable vessel) under the command of lieut. *Mork*, sailed from Charleston, on a cruize, on the 25th ult.

Admiral Cockburne, in the Marlborough 74, sailed from Cadiz on the 25th Nov. for the American station.

We learn that the *Wasp* and *Frolic* are fitting for sea at Bermuda; and a letter from that place says a new admiral has arrived on the station, and that the present British force consists of 12 ships of the line, 20 frigates, besides sloops of war, brigs, &c.

The citizens of Norfolk have been expecting a visit from the British squadron, consisting of two 74's, three frigates, a brig and a schooner,* commanded by admiral *Warren!* A person lately arrived at that place from Bermuda, has deposed "that these vessels had taken on board, bombs and shells, as he understood, for an attack upon Norfolk," and his testimony is credited there. The squadron at our last accounts from them was in the bay and had been in and out several times. The very valuable schooner Kemp from *France*, passed it a few nights ago, *at anchor on the Horse shoe*, so close as to hear the sentinels; but was not discovered. At the time they were coming up, the U. S. frigate *Constellation* was anchored in Hampton Roads, and was supposed to be one of their chief objects—the tide was ebb, and she was fast aground on Willoughby spit. But the flood made and the ship was afloat before the enemy appeared. She was immediately brought up the river, and moored between the forts. The troops were all at their quarters—the 54th regiment of Virginia militia was mustered and numerously attended; the gun-boats placed in the most eligible situations—and all possible things done to make the expected contest as hurtful to the foe as they could. The militia of Hampton also seized their arms, and but one spirit was manifest in the whole people. Two distinguished citizens of Norfolk have been deputed to make the proper representations to the general and state governments. The enemy's squadron have made several captures, but we have not heard of any valuable vessels being taken by them.

It appears the present design of this squadron to blockade the *Chesapeake* in the most rigorous manner. The ship Emily, from Baltimore, with flour and a *British license*, for Lisbon, was *turned back*, with the following endorsement on her register, "I hereby certify that the bay and harbars in the *Chesapeake* were yesterday put under a strict and rigorous blockade, *J. B. Warren*, admiral of the Blue, commander in chief." There is no date to the copy of this paper, but we presume *sir John* made the writing on the 5th inst. Some suppose this is done in expectation of a *French* fleet, and to prevent notice being given them. Some believe it a *flour speculation* in favor of the *British* agents, sending that commodity to *Spain* and *Portugal*, and flour on the news of it fell in *Baltimore* two dollars a barrel. And others think that the knight is really designing to do something.

* San Domingo 74, admiral Warren; Dragon 74, capt. Collier; Statira 38, Stackpole; Junon 38, Saunders; Maidstone 36, Burdett—Sophia brig and Syren schooner. The Belvidera of 38, and Eurystinus of 24, have since joined.

American Prizes.

WEEKLY LIST—CONTINUED FROM PAGE 366.

"The winds and seas are Britain's wide domain,
"And not a sail, but by *permission*, spreads!"
British Naval Register.

335. The British king's packet Townsend, 9 guns and 28 men, besides several assisting passengers, taken by the Tom of Baltimore, after a hard fight, in which 7 or 8 were killed and wounded on board the packet—none hurt in the Tom. The Townsend being torn almost to pieces, was ransomed for £1200 sterling. The captain of the packet speaks in the most honorable terms of the conduct of capt. Wilson and the crew of the Tom, as well during the fight as for their gentlemanly behaviour after it was ended.

336. The British king's packet Nocton, from Rio Janeiro for London, with $70,000 in specie on board, captured by the U. S. frigate ESSEX, near the equator The packet has been retaken and sent into Bermuda—*but the cash is on board the Essex.*

337. Brig Barrosa, 6 guns, from Cork, with an assorted cargo—a prize to the Rolla of Baltimore—has arrived at Martha's Vineyard. The Barrosa is valued at £40,000 sterling.

338. Brig Recovery, a prize to the U. S. brig Argus, has arrived at New Bedford. We have no particulars.

339 Schooner Mary, with an assorted cargo, from Porto Rico for St. Jago de Cuba, sent into Charleston, by the Eagle of that port.

340. Brig Peggy, of Barbadoes, from St. John's, Newfoundland, for St. Lucia, taken from under the convoy of two British sloops of war, by the Hunter privateer and sent into Boston. It is expected that some others of the fleet were taken, for the privateer was wonderfully *impudent* in playing round and about them. ☞ The Peggy is one of the many American vessels that the British *peaceably* captured before the declaration of war.

341. Ship ——— of 500 tons, 8 guns, coppered, laden with coal, plantation utensils, &c. from Bristol, (Eng.) for the West Indies, sent into New-London by the Growler privateer.

342. Brig Andalusia of 250 tons, 10 guns, captured on the coast of Africa by the Yankee privateer, and sent into Savannah. The Brig had 90 slaves on board, who were landed on that coast.

343, 344. A schooner and sloop, taken on the coast of Africa, by the Yankee privateer, and released, after dispossessing them of *four hundred and fifty-two ounces of gold dust.*

Proceedings of Congress.

HOUSE OF REPRESENTATIVES.

Thursday, February 4.—The house having resolved itself into a committee of the whole, was employed in discussing the bill reported by the committee of foreign relations respecting seamen.

Friday, February 5.—On motion of Mr. *M'Kim*, *Resolved*, That the committee on naval affairs be instructed to enquire in the expediency of relin-

quishing, in favor of the officers and crews of the public armed vessels of the United States a greater portion of the value of prizes, than they are now by law entitled to. And also to enquire into the expediency of providing further encouragement to equipping and employing private armed vessels of war against the ships and commerce of the enemy, and that the committee have leave to report by bill or otherwise.

The house then went into committee of the whole on the bill respecting seamen, as yesterday.

Mr. *Desha* spoke against the bill; and Messrs. *King*, *Rhea* and *Pickens* in favor of it.

Saturday, February 6.—Mr. *Cheves* from the committee of ways and means, in pursuance of the instructions of the house, reported a bill to remit the claims of the United States in certain goods, wares and merchandize, captured by the private armed vessels of the United States—Twice read and committed.

Mr. *Bassett*, from the naval committee, reported a bill supplementary to the act for increasing the navy of the United States.

[The bill proposes to authorize the building of six sloops of war, and four others for the lake service, and to put out of commission, after the completion of these vessels, such of the gun-boats, as the public service may not require.]

The bill was twice read and committed.

Exclusion of foreign seamen.

The house again resolved itself into a committee of the whole, Mr. *Bassett* in the chair, on the bill regulating the employment of foreign seamen in the armed vessels and in the merchant service of the United States.

Mr. *Ridgely* made a speech of some length explaining his ideas on this subject, and concluded with moving an amendment, the object of which was, to provide that no person not a native should be employed in the service of the United States, until the period of probation of five years, required by our laws, should have been *completed.*

Mr. *Bibb* having remarked that this amendment only went to explain a provision of the bill not now perhaps sufficiently clear—

It was adopted without a division.

The most important amendment made to the bill, was the agreement of the committee to a motion made by Mr. *Robertson*, to strike out the eighth section of the bill, which our readers will recollect provides that the bill shall not have effect except as to the seamen of such nation as shall have made reciprocal arrangements as to the seamen of the United States.

About 4 o'clock, the committee rose and reported the bill; and

The house forthwith adjourned.

Monday, Feb. 8.—After some business of but little importance was disposed, the house received a confidential message from the senate, and the doors were closed. When the doors were opened a resolution was received from the senate for appointing a joint committee to ascertain and report a mode of examining the votes for president and vice-president of the United States, and of notifying the persons elected of their election.

The said resolution was concurred in by this house; and the house then adjourned.

Tuesday, Feb. 9.—After other business, the consideration of the bill relating to seamen was resumed. A motion was made to strike out the first clause of the 8th section, from the beginning of the same to the words "United States," (see page 362) and negatived, 56 yeas, 69 nays. The question was then taken in striking out the remainder of the section and carried—yeas 84, nays 37.

Mr. *Pitkin* then offered an amendment to the first section, which goes to the exclusion, of foreigners, natives of the British kingdoms, *during the war.*

Wednesday, Feb. 10.—A letter was received from the secretary at war inclosing a list of contracts for furnishing rations, &c.

After spending a little time on Mr. *Pitkin's* proposition, without a decision a convention with the senate was formed to count the votes for a president and vice-president of the United States, for 4 years from the 4th of March next, when it appeared that *James Madison* had 128 votes and De Wit Clinton 89 votes for president—majority 39: and Mr. *Gerry* had 131 votes, and Mr. Ingersol 86 votes for vice-president—majority 45. And the president of the senate proclaimed accordingly.

THE CHRONICLE.

We have the 29th bulletin of grand [French] army, dated at *Moldeschenow* (about 25 leagues from *Wilna*) Dec. 3. It details at great length, the operations of the troops in returning from *Russia*, into winter quarters, as they have it. Indeed it was apparently impossible to sustain so great an army the present season in such an inhospitable climate as that of *Russia*, the country being ruined and destroyed, as it was, by the *Russians* themselves. *Bonaparte's* retreat, all things considered, if the various accounts of his difficulties are to be credited, is as much to his honor, as a military man, as any other thing he ever accomplished. The bulletin plainly points out some of those difficulties; as, for instance, it admits they lost 30,000 horses by the cold; assisted, no doubt, by the want of forage. The cavalry was so completely dismounted that the *officers* could scarcely form four companies, of 150 men each, in which generals did the duties of captains, and the colonels those of sub-officers.—Hence, it must necessarily be supposed that the loss of artillery, baggage, &c. was immense, and that the distresses of the wounded were dreadfully severe. The army was constantly harrassed by the *Russian* forces, chiefly by ambuscades of *Cossacks*, who picked up many stragglers and kept the whole line in perpetual alarm and anxiety. The loss of men during the campaign is not stated, but it must have been very great. It would appear that the remainder of the army was safe; and, by the liberal supplies received, enabled to act on the offensive, if need should so require. Large supplies of provisions and stores reached it from *Wilna*, 20,000 horses were collected—the artillery had repaired its losses, and all things were resuming their customary aspect.

The French papers say that the plan of the Russians to prevent the army from reaching its winter quarters was profoundly conceived; and attribute its defeat to the superior genius of the emperor only.

It appears that some of the attacks of the Russians were of the most furious nature. Their success was various; but every attack had a common effect in adding to the distresses of the French. The whole country round *Moscow*, and for many leagues adjacent to the march of the army, is now a desert; every thing that could possibly administer to the comfort of the *French* being destroyed by the *Russian* forces, at an immense sacrifice of lives and property of their own people. A *Paris* paper says, that 120,000 men to reinforce the grand army, had reached the *Nieman*; and very naturally enquires, if in the desert country the *Russians* will be able to sustain themselves, with a view of acting against the *French* in winter quarters.

As usual, the British *printers* have killed *Bonaparte* several times during this campaign—but the bulletin represents him as being in full health; it is the latest accounts we have of him. Great preparations for the spring campaign had already commenced. And we fear that *Alexander*, the only *prince* in Europe that we have the least regard for, totters on his throne, through his alliance with *our* enemy.

Later—We have Paris dates to the 20th Dec. The emperor returned to that city on the 18th, and was received with the thunder of cannon, and great demonstrations of joy. It also would appear that the army was in a good condition at *Wilna*, with an abundance of all sorts of supplies.

Perpetual motion.—Charles Redheffer requests the public to suspend their opinion on the report of the committee appointed by the legislature of Pennsylvania, to examine his machine, as he is preparing a publication on the subject, in which he pledges himself to prove, from incontestible facts, that his machine is no imposition nor himself an impostor, as they have taken upon themselves to pronounce him.

Rufus King, esq. has been appointed a senator of the United States for six years, in the place of *John Smith*, esq. whose period of service expires on the 4th of March next. The votes were—for Mr. King. 68—and for Mr. Wilkins (rep.) 61—blank ballots, 3.

Joyful intelligence. We learn that the flame of liberty has been rekindled in the provinces of *Carccas*, and trust in heaven the *republic of Venezuela* may yet be established. The patriots are in great force in the neighborhood of *St. Martha*, from whence 25 vessels had sailed with the flying royalists.

It is understood the report of the joint committee of the legislature of Massachusetts in favor of building a ship of the line, will not prevail in the house of representatives.

THE WEEKLY REGISTER.

No. 25 of vol. III.] BALTIMORE, SATURDAY, February 20, 1813. [whole no. 77.

Hæc olim meminisse juvabit.—Virgil.

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George Washington,

TO THE PEOPLE OF THE UNITED STATES, ANNOUNCING HIS INTENTION OF RETIRING FROM PUBLIC SERVICE.*

Friends and Fellow-Citizens,

The period for a new election of a citizen to administer the executive government of the United States, being not far distant, and the time actually arrived, when your thoughts must be employed in designating the person who is to be clothed with that important trust, it appears to me proper, especially as it may conduce to a more distinct expression of the public voice, that I should now apprise you of the resolution I have formed, to decline being considered among the number of those out of whom a choice is to be made.

I beg you at the same time to do me the justice to be assured, that the resolution has not been taken without a strict regard to all the considerations appertaining to the relation, which binds a dutiful citizen to his country; and that, in withdrawing the tender of service which silence in my situation might imply, I am influenced by no diminution of zeal for your future interest; no deficiency of grateful respect for your past kindness: but am supported by a full conviction that the step is compatible with both.

The acceptance of, and continuance hitherto in the office which your suffrages have twice called me, have been an uniform sacrifice of inclination to the opinion of duty, and to a deference for what appeared to be your desire. I constantly hoped, that it would have been much earlier in my power, consistently with motives which I was not at liberty to disregard, to return to that retirement from which I had been reluctantly drawn. The strength of my inclination to do this, previous to the last election, had even led to the preparation of an address to declare it to you; but mature reflection on the then perplexed and critical posture of our affairs with foreign nations, and the unanimous advice of persons entitled to my confidence, impelled me to abandon the idea.

I rejoice that the state of your concerns, external as well as internal, no longer renders the pursuit of inclination incompatible with the sentiment of duty, or propriety; and am persuaded whatever partiality may be retained for my services, that in the present circumstances of our country, you will not disapprove my determination to retire.

The impressions with which I first undertook the arduous trust, were explained on the proper occasion. In the discharge of this trust, I will only say, that I have with good intentions, contributed towards the organization and administration of the government, the best exertions of which a very fallible judgment was capable. Not unconscious, in the outset, of the inferiority of my qualifications, experience in my own eyes, perhaps still more in the eyes of others, has strengthened the motives to diffidence of myself: and every day the increasing weight of years admonishes me more and more, that the shade of retirement is as necessary to me as it will be welcome. Satisfied that if any circumstances have given peculiar value to my services, they were temporary, I have the consolation to believe, that while choice and prudence invite me to quit the political scene, patriotism does not forbid it.

In looking forward to the moment, which is intended to terminate the career of my public life, my feelings do not permit me to suspend the deep acknowledgment of that debt of gratitude which I owe to my country, for the many honors it has conferred upon me; still more for the steadfast confidence with which it has supported me; and for the opportunities I have thence enjoyed of manifesting my inviolable attachment, by services faithful and persevering, though in usefulness unequal to my zeal. If benefits have resulted to our country from these services, let it always be remembered to your praise, as an instructive example in our annals, that under circumstances in which the passions, agitated in every direction, were liable to mislead, amidst appearances sometimes dubious—vicissitudes of fortune often discouraging—in situations in which not unfrequently want of success has countenanced the spirit of criticism—the constancy of your support was the essential prop of the efforts, and a guarantee of the plans by which they were effected. Profoundly penetrated with this idea, I shall carry it to my grave, as a strong incitement to unceasing vows that Heaven may continue to you the choicest tokens of its beneficence, that your union and brotherly affection may be perpetual—that the free constitution, which is the work of your hands, may be sacredly maintained—that its administration in every department, may be stampt with wisdom and virtue—that, in fine, the happiness of the people of these states, under the auspices of liberty, may be made complete, by so careful a preservation, and so prudent a use of this blessing as will acquire to them the glory of recommending it to the applause, the affection and adoption of every nation which is yet a stranger to it.

Here, perhaps, I ought to stop. But a solicitude for your welfare, which cannot end but with my life, and the apprehension of danger, natural to that solicitude, urge me on an occasion like the present,

* The precepts of Washington, in his farewel address to the American people, will always claim unqualified attention; but in these times of difficulty should be listened to with peculiar reverence. His sagacity foresaw that our "external and internal enemies" would attempt, to weaken the ligaments of the constitution; he beheld, in prospective, the very things that are now passing in our country to excite jealousies, to paralise the hands of the government, and effect the infernal object of a severation of the states—and he cautioned us in the most solemn manner, to "frown indignantly upon the first dawnings" of such designs. Little did he think that his name would become a cloak for the very doctrines he so much abhorred.

The present period is peculiarly happy for the introduction of this inestimable paper. A season of grateful recollection, the anniversary of his birthday, is at hand (Feb. 22)—and in honor thereof, and as well for the real value of the address, as to shew the base hypocricy of too many that pretend to love his precepts, we now insert it.

to offer to your solemn contemplation, and to recommend to your frequent review, some sentiments which are the result of much reflection, and of no inconsiderable observation, and which appear to me all-important to the permanency of your felicity as a people. These will be offered to you with the more freedom, as you can only see in them the disinterested warnings of a parting friend, who can possibly have no personal motive to bias his counsel. Nor can I forget, as an encouragement to it, your indulgent reception of my sentiments on a former and not dissimilar occasion.

Interwoven as is the love of liberty with every ligament of your hearts, no recommendation of mine is necessary to fortify or confirm the attachment.

The unity of government, which constitutes you one people, is also now dear to you. It is justly so; for it is a main pillar in the edifice of your real independence, the support of your tranquility at home, your peace abroad; of your safety; of your prosperity; of that very liberty which you so highly prize. But as it is easy to foresee, that from different causes and different quarters much pains will be taken, many artifices employed to weaken in your minds the conviction of this truth; as this is the point in your political fortress against which the batteries of internal and external enemies will be most constantly, (though often covertly and insidiously) directed, it is of infinite moment that you should properly estimate the immense value of your national union to your collective and individual happiness; that you should cherish a cordial, habitual and immoveable attachment to it; accustoming yourselves to think and speak of it as the Palladium of your political safety and prosperity; watching for its preservation with jealous anxiety; discountenancing whatever may suggest even a suspicion that it can in any event be abandoned; and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts.

For this you have every inducement of sympathy and interest. Citizens by birth or choice, of a common country, that country has a right to concentrate your affections. The name of AMERICAN, which belongs to you, in your national capacity, must always exalt the just pride of patriotism, more than any appellation derived from local discrimination. With slight shades of difference, you have the same religion, manners, habits and political principles. You have in a common cause fought and triumphed together; the independence and liberty you possess are the work of joint councils, and joint efforts, of common dangers, sufferings and successes.

But these considerations, however powerfully they address themselves to your sensibility, are greatly outweighed by those which apply more immediately to your interest. Here every portion of our country finds the most commanding motive for carefully guarding and preserving the union of the whole.

The *North*, in an unrestrained intercourse with the *South*, protected by the equal laws of a common government, finds in the productions of the latter, great additional resources of maritime and commercial enterprize and precious materials of manufacturing industry. The *South*, in the same intercourse, benefiting by the agency of the *North*, sees its agriculture grow and its commerce expand.—Turning partly into its own channels the seamen of the *North*, it finds its particular navigation invigorated: and while it contributes in different ways to nourish and increase the general mass of the national navigation, it looks forward to the protection of a maritime strength, to which itself is unequally adapted. The *East*, in a like intercourse with the *West*, already finds, and in the progressive improvement of interior communications by land and water, will more and more find a valuable vent for the commodities which it brings from abroad or manufactures at home. The *West* derives from the *East* supplies requisite to its growth and comfort—and what is perhaps of still greater consequence, it must of necessity owe the *secure* enjoyment of indispensible *outlets* for its own productions to the weight, influence, and the future maritime strength of the Atlantic side of the union, directed by an indissoluble community of interest as *one nation*. Any other tenure by which the *West* can hold this essential advantage, whether derived from its own separate strength, or from an apostate and unnatural connection with any foreign power, must be intrinsically precarious.

While then every part of our country thus feels an immediate and particular interest in union, all the parts combined cannot fail to find in the united mass of means and efforts greater strength, greater resource, proportionably greater security from external danger, a less frequent interruption of their peace by foreign nations; and what is of inestimable value! they must derive from union an exemption from those broils and wars between themselves, which so frequently afflict neighbouring countries, not tied together by the same government; which their own rivalships alone would be sufficient to produce, but which opposite foreign alliance, attachments, and intrigues, would stimulate and embitter. Hence likewise they will avoid the necessity of those overgrown military establishments, which under any form of government are inauspicious to liberty, and which are to be regarded as particularly hostile to republican liberty: In this sense it is, that your union ought to be considered as a main prop of your liberty, and that the love of the one ought to endear to you the preservation of the other.

These considerations speak a persuasive language to every reflecting and virtuous mind, and exhibit the continuance of the union as a primary object of a patriotic desire. Is there a doubt, whether a common government can embrace so large a sphere?—Let experience solve it. To listen to mere speculation in such a case were criminal. We are authorised to hope that a proper organization of the whole, with the auxiliary agency of governments for the respective subdivisions, will afford a happy issue to the experiment. 'Tis well worth a fair and full experiment. With such powerful and obvious motives to union, affecting all parts of our country, while experience shall not have demonstrated its impracticability, there will always be reason to distrust the patriotism of those, who in any quarter may endeavor to weaken its bands.

In contemplating the causes which may disturb our union, it occurs as matter of serious concern, that any ground should have been furnished for characterising parties by *geographical* discriminations —*Northern* and *Southern*—*Atlantic* and *Western*; whence designing men may endeavor to excite a belief that there is a real difference of local interests and views. One of the expedients of party to acquire influence, within particular districts, is to misrepresent the opinions and aims of other districts. You cannot shield yourselves too much against the jealousies and heart-burnings which spring from these misrepresentations; they tend to render alien to each other those who ought to be bound together by fraternal affection. The inhabitants of our western

country have lately had a useful lesson on this head: they have seen, in the negociation by the executive, and in the unanimous ratification by the senate, of the treaty with Spain, and in the universal satisfaction at that event, throughout the United States, a decisive proof how unfounded were the suspicions propagated among them of the policy in the general government and in the Atlantic states unfriendly to their interests in regard to the *Mississippi*: they have been witnesses to the formation of two treaties, that with Great Britain and that with Spain, which secure to them every thing they could desire, in respect to our foreign relations, towards confirming their prosperity. Will it not be their wisdom to rely for the preservation of these advantages on the union, by which they were procured? Will they not henceforth be deaf to those advisers, if such there are, who would sever them from their brethren and connect them with aliens?

To the efficacy and permanency of your union, a government for the whole is indispensable. No alliances, however strict, between the parts can be an adequate substitute; they must inevitably experience the infractions and interruptions which all alliances in all times have experienced. Sensible of this momentous truth, you have improved upon your first essay, by the adoption of a constitution of government better calculated than your former for an intimate union, and for the efficacious management of your common concerns. This government, the offspring of your own choice, uninfluenced and unawed, adopted upon full investigation and mature deliberation, completely free in its principles, in the distribution of its powers, uniting security with energy, and containing within itself a provision for its own amendment, has a just claim to your confidence and your support. Respect for its authority, compliance with its laws, acquiescence in its measures, are duties enjoined by the fundamental maxims of true liberty. The basis of our political systems is the right of the people to make and to alter their constitutions of government—But the constitution which at any time exists, 'till changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all. The very idea of the power and the right of the people to establish government, presupposes the duty of every individual to obey the established government.

All obstructions to the execution of the laws, all combinations and associations, under whatever plausible character, with real design to direct, control, counteract, or awe the regular deliberation and action of the constituted authorities, are destructive of this fundamental principle, and of fatal tendency. They serve to organize faction, to give it an artificial and extraordinary force—to put in the place of the delegated will of the nation, the will of a party, often a small, but artful and enterprising minority of the community; and, according to the alternate triumphs of different parties, to make the public administration the mirror of the ill-concerted and incongruous projects of faction, rather than the organ of consistent and wholesome plans digested by common councils, and modified by mutual interests.

However combinations or associations of the above description may now and then answer popular ends, they are likely, in the course of time and things, to become potent engines, by which cunning, ambitious and unprincipled men will be enabled to subvert the power of the people, and to usurp for themselves the reins of government; destroying afterwards the very engines which have lifted them to unjust dominion.

Towards the preservation of your government and the permanency of your present happy state, it is requisite, not only that you steadily discountenance irregular oppositions to its acknowledged authority, but also that you resist with care the spirit of innovation upon its principles, however specious the pretext. One method of assault may be to effect in the forms of the constitution, alterations which will impair the energy of the system, and thus to undermine what cannot be directly overthrown. In all the changes to which you may be invited, remember that time and habit are at least as necessary to fix the true character of governments, as of other human institutions—that experience is the surest standard, by which to test the real tendency of the existing constitution of a country—that facility in changes upon the credit of mere hypothesis and opinion, exposes to perpetual change, from the endless variety of hypothesis and opinion; and remember, especially, that for the efficient management of your common interest, in a country so extensive as ours, a government of as much vigor as is consistent with the perfect security of liberty, is indispensable. Liberty itself will find in such a government, with powers properly distributed and adjusted, its surest guardian. It is indeed little else than a name, where the government is too feeble to withstand the enterprises of faction, to confine each member of the society within the limits prescribed by the laws, and to maintain all in the secure and tranquil enjoyment of the rights of person and property.

I have already intimated to you, the danger of parties in the state, with particular reference to the founding of them on geographical discriminations. Let me now take a more comprehensive view, and warn you in the most solemn manner against the baneful effects of the spirit of party generally.

This spirit, unfortunately, is inseparable from our nature, having its root in the strongest passions of the human mind. It exists under different shapes in all governments, more or less stifled, controuled, or repressed; but in those of the popular form, it is seen in its greatest rankness, and is truly their worst enemy.

The alternate domination of one faction over another, sharpened by the spirit of revenge, natural to party dissention, which in different ages and countries has perpetrated the most horrid enormities, is itself a frightful despotism. The disorders and miseries which result, gradually incline the minds of men to seek security and repose in the absolute power of an individual; and sooner or later the chief of some prevailing faction, more able or more fortunate than his competitors, turns this disposition to the purposes of his own elevation, on the ruins of public liberty.

Without looking forward to an extremity of this kind (which nevertheless ought not to be kept entirely out of sight) the common and continual mischiefs of the spirit of party are sufficient to make it the interest and duty of a wise people to discourage and restrain it.

It serves always to distract the public councils and enfeeble the public administration. It agitates the community with ill founded jealousies and false alarms; kindles the animosity of one part against another; foments, occasionally, riot and insurrection. It opens the door to foreign influence and corruption, which find a facilitated access to the government itself through the channels of party passions. Thus the policy and the will of one country are subjected to the policy of another.

(TO BE CONTINUED.)

Legislature of Maryland.

House of Delegates—Thursday, Dec. 31.

(CONCLUDED FROM PAGE 354.)

The following is an outline of the proceedings in relation to general Stansbury, *which took place in the house of delegates, on the 31st December and 1st January.*

On the second reading of the report, Mr. Donaldson moved to strike out that part which charged the general with conniving at, and countenancing the atrocities at the jail on the night of the 23th July. He premised with observing that, never was so serious a charge founded on such slight testimony; that loose expressions, confined principally to those to whom they were immediately addressed, and who were gentlemen of the general's acquaintance, which related not to the forcing of the jail, but to the enormity of the conduct of those, who he alleged had garrisoned the house in Charles street, and the punishment they merited, while in possession of that house; that conversations with different persons to the same effect, long subsequent to the same transaction, were utterly insufficient to ground the inference of guilt.—That any such inference was completely defeated, by the plain and irresistable testimony of colonel John H. Schucht, who, it appears, was his inseparable companion during the whole evening, who deposed to the general's having repeatedly endeavored to dissuade the mob from breaking the jail; that he was on horseback with the witness at a considerable distance from the jail, when the mob forced their way in; that after the act had been perpetrated, the general was solicitous to interfere, to save Thompson and others from the rage of the populace; that the only instant of time he was near the jail after the catastrophe, was when he [Schucht] having prevailed on the general to hold his horse, until he went near the steps of the jail, and having returned and told the general, he had beheld a sight that had filled him with horror, he was requested in turn to hold the general's horse, until he dismounted and went to the spot; that he, together with captain Joel Green of Baltimore county, (now unfortunately for the general, lying at the point of death) accordingly went to the jail steps and was absent about a minute, that when he returned with Green he told Schuhet, "that he had seen an old man, he believed general Lee, sitting on the jail steps, and a man about to strike him on the head, and that he had interfered and prevented him, and that he believed by so doing he had saved that man's life; that they then rode off together, and soon after proceeded to the country together; that general Stansbury had never been in the jail the whole evening; that he was never more distant from him the whole evening, than two steps with this exception; and that he never expressed himself to the mob except to say, "for shame men, do not break the jail," which he often repeated.—That he had expressed the greatest sympathy for the sufferers, particularly for that portion of them that had families. That he was with major Mitchell, when that gentleman adventured into the crowd to save Thompson—That he heard the conversation between Merryman, the sheriff, and the general, and that no such words were used by him in his hearing, as to their being a set of tory rascals, who deserved to have the house in Charles street blown down over their heads, to which Merryman had deposed. Upon the evidence of Schucht, Mr. Donaldson remarked that it was perfectly reconcilable with the statement given by Worden and Dickson of a representation made to them some time afterwards by general Stansbury, in relation to his conduct on that night, at his own house when those persons were partaking of the general's hospitality. That there were two points in their testimony, in which they must have mistaken his words, the first in relation to Mumma having held his horse while, from Schucht's deposition, it appeared that Mumma was standing by the general's horse about the time when the jail was forced; which was the reason he had said Mumma was innocent of breaking into the jail; and that it was easy for them to confound the idea that he held his horse with the idea that he was standing by his horse—the second in relation to his having said that he had gone into the jail after it was forced, when, from the fact, as convincingly shewn by Schucht, he must have said that he had gone to the jail, and there witnessed the transaction which he detailed to them, and which was the same he had spoken of to Schucht immediately on his return.—That Dickson's testimony in relation to this conversation with general Stansbury was honorable to the general, while Worden in his statement of the same conversation seemed purposely to suppress those parts of it which reflected credit on him.—That at any rate, from this conversation it was impossible to draw any rational conclusion of a bad intention on the part of the general.

Mr. Donaldson proceeded to observe, that it was an extraordinary circumstance that in a proceeding set on foot by that house, with the ostensible object of asserting the liberty of the press, so palpable an endeavor should be made to restrain and punish the liberty of speech—That general Stansbury, or any other man, had an unquestionable right to express an opinion, in all companies, and to whom he pleased, in relation to the punishment merited by those who fired on the people—that it was monstrous to catch at the loose expressions of individuals, when a whole community was in a ferment, to affect such individuals with a charge of so deep a dye; and that there was not a shadow of proof against him, unless the doctrine should be maintained that general Stansbury had not the common right of every citizen, to express his opinions on past transactions and the demerits of those concerned in them.

Mr. Dorsey insisted, that upon the evidence of Merryman, Smith, Johnson and Kell, the member from Baltimore county was proved to have used expressions calculated to encourage the mob to break the jail and perpetrate the atrocious acts of the night of the 23th of July—that in particular, Smith's testimony shewed that the expressions might have been heard by the mob—that it was clear that the expression of such opinions, at such a time, must have had the effect of discouraging and diminishing the endeavors of the well disposed to keep the turbulent in order.—He contended that the liberty of speech could only be justifiably exercised, where its assertion would not tend to excite the ill-disposed to the commission of crimes, as was its inevitable consequence on this occasion. He read and commented on the several depositions, from which he concluded that general Stansbury had countenanced the shocking acts of the mob. With respect to Schucht, he treated his testimony with contempt; and stated that he was so grossly stupid as not to comprehend the plainest questions, and that if he was brought to the bar of the house, and there examined, it would be apparent to every member that he was so great a fool that they could place no dependence in what he said.

It is but justice to general Stansbury to state that during these trying scenes his presence of mind, his fortitude and resolution never abandoned him for an instant. On Mr. Dorsey's concluding, he rose, and in strong and manly language disowned the foul charges exhibited against him. Among other observations, he said, he knew that, that puppy Alexander Hanson was at the bottom of the whole proceding, and that he was marked out as the victim of political persecution at, his instigation. He spoke of Hanson as one who had been frequently hospitably entertained under his roof; who had professed himself his warm friend, until, with envenomed malice, he became his most bitter enemy because he happened to differ from him in politics. In relation to the murder of Lingan, he said it was indeed monstrous to bring the charge of being accessary to it, who was his relation, and had been his companion and play-fellow at school. He stated various inconsistencies in the evidence of Merryman; asserted and vindicated the reputation of Schucht, who had been, during the revolutionary war, a member of the body guard of general Washington, who was universally esteemed in his neighborhood for integrity; that being a German he did not speak or understand the English language perfectly; but that he was well known to be a man of good understanding, and of as much political honesty as any man, not excepting the member from Charles (Mr. Dorsey.) There was an honest indignation in the manner of the general, that satisfied every impartial person present, that what he said was the effusion of a mind, deeply stung by the monstrous injustice of which he was the marked victim.

Mr. Kilgore then rose, and for some time confined his remarks to the evidence upon which the report was founded. He commented on the language of the member from Baltimore county, as proved to have been used subsequently to the transaction at evening—his disposition, on the night of the catastrophe at the jail—but soon breaking through all bounds of order, he stated that the house was polluted by the presence of an assassin and a murderer.—The speaker called to order. He then proceeded to remark, in substance, that the senate of Maryland, heretofore distinguished for its purity and honor, was contaminated by the pestiferous breath of the worthy prototype in infamy of the member from Baltimore county. Being again called to order, he sat down in a state of great agitation; and gen. Stansbury again rose, the house being in a state of profound stillness.

He said, he had filled various situations in the state, of distinguished honor and confidence, for many years past; that he had enjoyed the respect and confidence of Baltimore county, before that man (pointing to Kilgore) had been known even in Montgomery county; that he was an old man, against whom no person had ever whispered a charge of cruelty before this day. He said, that he detested mobs almost as much as he detested that man. He made several other pointed personal remarks, and being called to order, concluded by saying, that the man who applied to him the epither of assasin was a liar and a rascal.

The question was then taken on the motion to strike out, and decided in the negative. The motion was then accepted; and

Mr. Crabbe, of Montgomery county, immediately moved a long written order, very specially prepared, for which the object was the commitment of gen. Stansbury to the goal of Anne Arundle county, to stand his trial as accessary to the murder of Lingan, by the warrant of the speaker of the house of delegates. To the adoption of this order, the majority of the house appeared pledged, in consequence of the adoption of the report. But when a second reading, by a special order, was asked, and it was generally supposed that it would be adopted, Dorsey took fright, and moved a committee to examine precedents—a committee was appointed; and Mr. Crabbe's order was postponed until the next day, although gen. Stansbury declared himself against the postponement, and urged the house strongly to proceed.

The next day Mr. Crabbe again moved his order, to which Mr. Lacompte moved an amendment, that the attorney-general should be ordered to subpœna the witnesses who had been examined before the committee of grievances, in relation to gen. Stansbury, to the next grand jury of Baltimore county. Mr. Dorsey supported the amendment, and among other arguments which he used, said, that it was a remark of an ancient satyrist, that the world was growing worse every age; that experience proved its truth, and that he was unwilling the precedent should be now set, as their successors ought to be worse than they were. He also observed, that when a similar case had occurred during the revolution, when Mr. Plunket, Mr. David Stewart and others, having established themselves in the capacity of a self-created committee of safety, had ordered out of Baltimore a printer who had displeased them; allowing him only a short time for his removal, this house had adopted the course now recommended, and had referred the matter to the grand jury for Baltimore county. Gen. Stansbury in strong terms pointed out to them their inconsistency; told the house they had passed the Rubicon, and could not retreat with honor—made a handsome apology to the chair for his warmth the preceding day, being (with an allusion to his having so long filled

the chair) a great stickler for order, although he would not retract a word he had said in relation to any member; which he wished to be understood as having deliberately said, and now on reflection, deliberately persisted in. That he had been advised by some of his friends, to be heard by counsel, but had rejected the advice, as he thought it would be attaching too much importance to this mock trial. After various remarks, some of them of a personal cast, he concluded by saying, "that if the house now retreated from the ground they had taken, every reflecting man would say, it was through want of spunk."

Mr. Crabbe then vehemently reproached the party for their want of spirit, in not going through; that there was no doubt of their power, as a majority of the house of delegates, and that by their determination of yesterday, they were pledged to adopt the measure he proposed. He talked with contempt of half-way men, always crying policy! policy! that they were incapable of being great politicians, of a noble daring in the public cause. He reprobated their retreating from their duty as a proof of cowardice, and spoke of Stansbury as one entirely in their power.

Lecompte's amendment was adopted by 28 to 26—two democrats not voting at all.

A REMARK BY THE EDITOR.—With the foregoing sketch of proceedings, first published in the *Baltimore Patriot* immediately after their date, we hope for ever to close the "mob business" in this city. But as some parts of the report of the committee of grievances are at variance with what we stated in our account of the "city of Baltimore," vol. 3, page 47, in regard to the "uninterrupted session of the grand jury and criminal court," it becomes us to say that the committee of the house of delegates were *misinformed;* for the facts were not as they have stated them to be: and the chief judge of the criminal court, in his charge to the grand jury of *Baltimore* county in January last, said, "*The majority of "the House of Delegates having thrown a general re-"proach upon the conduct of this court, I cannot pass by "this opportunity without making a general reply; that "the assertion is unfounded, inconsistent with that dig-"nity of conduct which they themselves ought to have "observed to others.*"

We adhere to our general rule of inserting "official papers" without comment—but cannot refrain from saying that on several other important points the committee were incorrect.

Legislature of Kentucky.

Address and resolution, respecting the militia of Kentucky in the North Western Army.

The general assembly of the commonwealth of Kentucky, having been officially informed that in all probability, the service of a part of the militia of this state under the command of gen. William H. Harrison, cannot be dispensed with at the expiration of the term for which they have been called out, unless replaced by others, without serious injury to the success of the present campaign, have therefore deemed it proper, in this trying crisis, to make this appeal to their well known patriotism.

To the militia of Kentucky in the N. W. Army.

FELLOW-CITIZENS AND SOLDIERS IN ARMS,

When the first sound of war was heard, at the call of your country, you crowded voluntarily to the standard, and asked to be enrolled in defence of her rights—gain was not your object—you gloried in the precious inheritance so nobly won by the revolution—your bosoms glowed with the ardor of freemen—you were not goaded on by a tyrant hand to fight the battles of ambition or dominion; but the spirit of your fathers aroused you from the slumber of indolence, to undertake the turmoils, and surmount the labor and hardships of camps, to shew our ancient enemy that you knew how to value and maintain the independence we held as the gift of heaven only, to wipe off the foul stain which had been cast upon the American name, by the base surrender of one of our armies—to avenge the shades of our slaughtered brethren, of helpless women and infants—to drive back that audacious enemy and her savage allies, who had profaned our soil with her hostile and triumphant steps—to make them feel the evils of the war at their own doors, in a word, to plant the standard which bears your country's eagle, on the walls of Malden. These were your objects when you grasped your arms, and demanded battle.—Your progress has been retarded by obstacles not under your control, or that of your general. You have with heroic fortitude, borne cold, hunger and fatigue. Your state has sympathised with you, and your brave associates in suffering. Your fellow-citizens and fair countrywomen, have endeavored as far as in their power by voluntary contributions to assist in shielding you from the inclemency of an inhospitable climate, knowing that whenever the enemy has been tangible, you have him not only respect, but feel you. You have shewn that you are Kentuckians, firm and invincible—success has dawned upon you—the object you sought in taking the field is just in sight: your anxiety to return to the embraces of your friends and families are felt and appreciated.—But would not the joy of your return be damped, when the reflection should arise, that you had surmounted the greatest difficulties in your way—your general was just about accomplishing the important object of the campaign—Malden was in view—victory beckoned you to follow on, and you retired; when two months had been wasted, and your fellow soldiers were left surrounded by dangers?

Your state or your country cannot demand of you to remain a few months longer, as an act she has any legal right to claim of you;—but your state asks it, as what would redound to the honor of you her sons, and her own character. Every reasonable means will be resorted to in order to supply your places at the earliest possible period. In the mean time, your state, from her sense of the merits of such of you as will remain at your posts, after the expiration of your term of service, have authorised *seven dollars* per month to be given out of her treasury, to each non-commissioned officer, musician and private, to the number of fifteen hundred, in addition to their regular pay from the general government during such additional time of service.

Fellow-Citizens and Soldiers,

Such another opportunity may never again occur to crown yourselves with honor. The eyes of your state, your country, are on you. Act worthy yourselves and all will be well.

Resolved, That the governor of this state, be requested to cause so many copies of the foregoing address, to be printed and transmitted to general Harrison, and such other officers commanding the militia of this state, as he may deem right, in order to be communicated to said troops.

JOSEPH H. HAWKINS,
Speaker of the House of Representatives.
R. HICKMAN,
Speaker of the Senate.

APPROVED, Jan. 29, 1813.
ISAAC SHELBY, *Governor of Kentucky.*

An Act making an additional compensation to the detachment of volunteers from this state, in the service of the United States, in the event therein specified.

Whereas, from information officially communicated to this legislature, it is deemed important to the success of the present campaign of the north western army, under the command of general William H. Harrison, that part of the militia of this state now in that army, should continue in service for a

longer time than that for which they are at present engaged. Therefore,

Sec. 1. *Be it enacted by the general assembly of the commonwealth of Kentucky*, That each non-commissioned officer, musician and private, belonging to the said detachment not exceeding fifteen hundred men, to be received or selected, and organized and enrolled by the commander in chief, who shall remain in the said army, under the command of their respective officers, or such officers who may take the command thereof, with the approbation of the commander in chief, after the expiration of the time of service for which they were ordered out under the authority of the president of the United States, or shall have been killed, or died in the same——shall be entitled to receive, upon the application of such person, if living, or his legal representatives in case of death, a warrant for a sum equal to *seven dollars* per month, not exceeding three months, that such non-commissioned officer, musician or private shall have remained in such service, and have been legally discharged therefrom, after the expiration of the term for which they were so called out, in addition to the pay now allowed by the laws of the United States.

Sec. 2. *And be it further enacted*, That the auditor of public accounts shall, upon the producing to him the pay rolls from the officers commanding companies in the detachment, certified in the manner prescribed by the acts of congress, issue his warrant upon the treasury for the amount of the sum thereupon appearing due, to each of the non-commissioned officers, musicians and privates or his or their representatives, agreeably to the provisions of this act.

J. H. HAWKINS,
Speaker of the house of representatives.
R. HICKMAN,
Speaker of the Senate.

Approved, January 29, 1813.
ISAAC SHELBY, *Governor of Kentucky.*

Legislature of Massachusetts.

House of Representatives, Feb. 5, 1813.

On motion of Mr. Pickering, of Salem, the following preamble and order were adopted:

Whereas the president in his message to congress, has made known to the people of the United States that the British orders in council have been repealed "in such a manner as to be capable of explanations meeting the views of the government" of the United States, and therefore none of the alleged causes of war with Great Britain now remain, except the claim of the right to take British subjects from the merchant ships of the United States—And whereas, during the administration of president Washington and president Adams this claim of Great Britain was not considered as a reasonable cause of war: and under the administration of president Jefferson the government of Great Britain did offer to make an arrangement with the United States, which in the opinion of Messrs. Monroe and Pinkney, their ministers placed this subject on a ground that was "both honorable and advantageous to the U. States, and highly favorable to their interests, and was at the same time" a concession which had never before been made; and it is highly probable that the government of Great Britain would still be willing to make an arrangement on this subject which should be alike honorable and advantageous to the United States.

And whereas, under the administration of president Madison, when the arrangement of the matters in controversy between the U. States and Great Britain was made with his Britannic majesty's minister, David Montague Erskine, esq. the impressment of seamen was not considered of sufficient importance to make a condition of that arrangement.

And whereas, all the European powers, as well as the United States, recognize the principle that their subjects and citizens have no right to expatriate themselves, and that the nation has a right to the services of all its citizens, especially in time of war, and none of those powers respect the naturalization laws of others so far as to admit their operation in contravention of that principle—and it is manifestly unjust for a neutral power to make war upon one nation in order to compel it to relinquish a principle which is maintained by the others:

And whereas, it is the duty of the government of the United States, to protect and encourage American seamen, and exclude from our ships the numerous foreign seamen who are depriving our own citizens of their natural means of subsistence:

And whereas, a great proportion of the seamen of the United States belong to this commonwealth, and this legislature is desirous to ascertain how many of them have been impressed or taken by Great Britain, France, or any other power, in order that satisfactory information may be had and communicated to the government of the United States:

Ordered, That Mr. Pickering, (of Salem) Mr. Tillinghast, (of Taunton,) and Mr. Watson, (of Belfast) be a committee to consider and report what measures are proper to be taken in order to ascertain the number of the seamen of this commonwealth impressed or taken by any foreign nation.

Yazoo Claims.

IN THE HOUSE OF REPRESENTATIVES.

February 1, 1813.—Mr. *Morrow* from the committee of public lands made the following *report:*

The committee on public lands to whom was referred a bill from the senate entitled "An act to carry into effect the report made to congress in February, 1803, by James Madison then secretary of state, Albert Gallatin secretary of the treasury, and Levi Lincoln, attorney general to the United States, commissioners appointed in pursuance of the act, entitled, "An act for an amicable settlement of limits with the state of Georgia and authorising the establishment of a government in the Mississippi territory, in obedience to the last mentioned act,"

REPORT

That after a careful investigation of the subject, and examination of the provisions of the bill referred to them, the committee deem it their duty to present a particular view of the subject, only so far as the United States are at present concerned in its decision. Had the committee possessed the means of correct information, they had not the leisure, nor did they believe that any practical good would result from any general exposition they could present of the circumstances attending the case from its origin. They have therefore viewed the subject in the aspect and on the ground, upon which it has been placed by the former acts of the government, in relation to it. The committee therefore give no opinion on any of the questions that have been agitated, respecting the competency of the legislature of Georgia to dispose of the unappropriated territory in that state, or the validity of the act or pretended act of the 7th of January, 1795, purporting to alienate the right of soil to a great extent of such territory; nor respecting the effect of the rescinding act,

passed by a subsequent legislature. The necessity of a legislative decision on these questions, appears to be superceded by prior conventional and legislative acts of the government.

The agreement and articles of cession between the state of Georgia and the United States confirmed by a legislative act of the one, and assented to by the legislature of the other—the subsequent act of congress appropriating and providing for the disposal of the lands acquired by the cession, and the several after acts providing for the sale of lands in the Mississippi territory, all proceed on the ground that the act or pretended act of the state of Georgia, of the 7th January, 1795, was not valid to give title. Although every act of the government in relation to the subject, is predicated on the invalidity of the said act or pretended act, yet it would appear that the articles of cession from Georgia, the report of the commissioners to congress, and the subsequent act of congress appropriating the lands received by that cession, would all seem to recognize in the present claimant, an equitable claim to some compensation.

The articles of agreement and cession, after having made specific provision for several species of claim, provided a fund of five millions acres of land, to be placed at the disposal of congress "for the purpose of satisfying, quieting or compensating for any claims other than those before recognized which may be made to the said lands, or to any part thereof." The existence of the claims in question was made known to the commissioners, who concluded the agreement, and as no excluding provision was introduced with respect to them, the inference is pretty obvious, that those claims come within the contemplation of the commissioners, and were designed to be provided for.

The commissioners of the United States who concluded the aforesaid agreement with these of Georgia, in their report to congress, recommended those claims to the consideration of the legislature, and state in relation to them, "that various equitable considerations, which may be urged in favor of the most of the present claimants, render it expedient to enter into a compromise on reasonable terms."

The act of congress "regulating the grants for lands, and providing for the disposal of the lands of the United States south of the state of Tennessee, approved on the 3d of March, 1803, which appears to have been passed in pursuance of the articles of agreement, and of the aforesaid report, by the 8th section, provided that so much of the aforesaid five millions of acres should be appropriated as might be necessary to satisfy certain classes of claims not recognized by the articles of cession," and "so much of the residue of the five millions of acres or of the net proceeds thereof as may be necessary for that purpose," are hereby appropriated for the purpose of satisfying, quieting and compensating for such other claims to the lands of the U. States, south of the state of Tennessee, not recognized in the abovementioned articles of agreement, and which are derived from any act or pretended act of the state of Georgia which congress may hereafter think fit to provide for." The language made use of by the legislature in appropriating the residue of the five millions of acres, placed at their disposal, appears to be descriptive of the claims in question.

Congress, then, in the opinion of the committee are at liberty, in conformity with the articles of agreement and their own act, either to apply the aforesaid lands, or any part of them, or the proceeds thereof, for the purposes proposed by the bill under consideration, or to withhold them, as to them may appear proper. How far it would now be for the public interest to quiet claims that may interfere with grants made, or to be made by the U. States, is a consideration of expediency alone.—The decision must also rest on the opinion that may be formed of the equity, or want of equity in the claims of the present claimants. The committee think proper to state, that a gentleman in the character of an agent for many of the present claims, produced to them several powers of attorney and letters, which although they do not give positive assurance, yet give a reasonable ground of expectation, that the present claimants will generally consent to compromise their claims on the terms proposed by the report of the commissioners. In case the house shall think proper to authorise a compromise of the claims in question, by passing the bill under consideration, the committee would recommend a modification of the terms originally proposed by the commissioners, and assumed as the basis of compromise by the bill as passed by the senate.

According to the agreement with Georgia, five millions of acres constituted the whole fund applicable to the satisfaction of claims not recognized by that agreement. It has not been ascertained, (nor can it be with precision) what quantity of those lands have already been appropriated by congress. The residue, applicable to the satisfaction, of the claims in question, is conjectural in quantity and value. And in the absence of other objections to the commuting of this *residue* for a specific sum in money, that uncertainty would form one of considerable weight. It appears to the committee that the alternative proposed to the option of the claimants by the report, are not equal, that if the land should be located in the manner provided, and be brought into market at the same time with other lands, the proceeds arising from the sales would not discharge the interest, and redeem the principal of 2,500,000 dols. to which amount the certificates are proposed to be issued. In making the compensation proposed, congress ought not to transcend the fund placed at their disposal for the purpose. If the estimate of the committee be correct, the fund would be overdrawn by the issue of certificates. If they should be incorrect, and the land be of equal value then it should be equally acceptable to the claimants as the certificates; and in that case no injury would arise in confining their compensation to land alone. The committee therefore recommend a modification of the terms, and will report an amendment accordingly.

The 6th section of the bill provides that the U. States shall sue for and recover such parts of the original purchase money, as have been improperly withdrawn from the treasury of Georgia; which provision the committee consider exceptionable and have proposed a substitute.

Proceedings of Congress.

IN SENATE—MONDAY, FEB. 15.

The bill from the house for regulating the employment of foreign seamen in the service of the United States was read a second time, and referred to Messrs. Giles, Bayard, Lloyd, Smith of Md. and Hunter, to consider and report thereon.

Mr. *Bradley*, agreeably to notice, introduced the following bill: which was read and passed to a second reading:—

A Bill to encourage more effectually the destruction of the armed vessels of the enemy entering the ports and harbors of the United States.

Be it enacted, &c. That if any British armed vessel shall be found within the harbors and waters under the jurisdiction of the United States, during the present war with Great Britain (other than ve-

sels coming as cartels, or flags of truce) it may and shall be lawful for any person or persons, in any manner whatsoever, whilst such armed vessel shall so remain within the jurisdiction of the United States, to burn, sink or destroy every such armed vessel; and for that purpose to use torpedoes, submarine instruments, or any other destructive machine whatever; and a bounty of one half the value of the armed vessel so burnt, sunk or destroyed, and also one half the value of her guns, cargo, tackle and apparel, shall be paid out of the treasury of the United States to such person or persons who shall effect the same, otherwise than by the armed or commissioned vessels of the United States.

HOUSE OF REPRESENTATIVES.

Thursday, February 11.—After some minor business the bill for the exclusion of foreign seamen was resumed.

Mr. *Pitkin's* motion was withdrawn to make room for an amendment proposed by Mr. *Ridgely* to exclude from the employ of the United States, all persons *not citizens*, at a treaty of peace. Negatived—40 for, 80 against.

Mr. *Pitkin* then renewed his motion—for it 33, against it 86.

It was then proposed indefinitely to postpone the bill—lost, 20 to 100.

Mr. *Bassett* then offered to amend the bill—and a new discussion being likely to ensue on a threadbare subject, the *previous question* was called for, and carried: ayes 55, nays 46. The main question was then put on engrossing the bill for a third reading—ayes 97, nays 25.

Friday, February 12.—After a variety of motions and speeches, the question on the *passage* of the bill for the exclusion of foreign seamen was put and carried—ayes 83, nays 33, as follows:

YEAS.—Messrs. Alston, Archer, Avery, Bacon, Baker, Bibb, Bigelow, Blackledge, Boyd, Breckenridge, Brown, Burwell, Calhoun, Cheves, Chittenden, Clay, Cochran, Cooke, Condit, Cutts, Dawson, Dinsmoor, Ely, Emott, Findley, Fitch, Franklin, Gholson, Gold, Goldsborough, Goodwyn, Gray, Grundy, B. Hall, O. Hall, Hawes, Hufty, Hyneman, Kent, Kennedy, Key, King, Law, Lewis, Little, Moore, M'Bride, M'Coy, M'Kee, Metcalf, Milnor, Mitchill, Morgan, Morrow, Nelson, New, Newbold, Newton, Pearson, Pickens, Pleasants, Potter, Reed, Richardson, Ridgely, Ringgold, Rhea, Roane, Roberts, Robertson, Sage, Seaver, Shaw, Sheffey, G. Smith, J. Smith, Stanford, Stuart, Strong, Talliaferro, Tracy, Turner, Wheaton, White, Whitehill, Williams, Widgery, Wilson, Winn.—89.

NAYS.—Messrs. Anderson, Bard, Basset, *Bleecker*, *Brigham*, Butler, *Champion*, Clopton, Crawford, *Davenport*, Desha, Earle, Fisk, Green, *Grosvenor*, Jackson, Johnson, Lacock, Lowndes, Lyle, M'Kim, Ormsby, *Pitkin*, Porter, *Quincy*, *Randolph*, Sammons, Sevier, Seybert, *Sturges*, *Talmadge*, Troup, Wright.—33.

And the house adjourned.

[A majority of the negative are "republicans."]

Saturday, Feb. 13.—[The proceedings of this, and some some succeeding days are so important that we cannot satisfy ourselves with the usual abstract.]

Mr. Williams, from the military committee, reported a bill to authorise the president of the United States to raise ten additional companies of rangers. [The object of the bill is not in fact to raise an additional force, but to convert one of the twenty regiments of infantry recently authorised to be raised, into rangers.]

The bill was twice read.

Mr. *Williams* then rose and enforced the necessity, under present emergencies, of the immediate authorization of this force, as of a description particularly appropriate to the circumstances of the frontier, as well for the purpose of offence as defence.

The bill was then ordered to be engrossed for a third reading to-day; and was subsequently read a third time and passed unanimously.

Mr. *Bassett* from the naval committee, reported a bill allowing a bounty to privateers.—[Allowing a bounty of dollars for each person they bring in.] Twice read and committed.

On motion of Mr. *Williams*, the house resolved itself into a committee of the whole, Mr. LEWIS in the chair, on the bill authorising the appointment of additional general officers in the army of the United States.

[The bill provides for the appointment of additional major-generals and brigadier-generals.]

The following letter from the secretary of war on this subject was read.

War Department, Feb. 10, 1813.

SIR—In reply to the letter you did me the honor to write to me, on the 5th inst. by direction on the committee on military affairs, I respectfully submit the following opinions:

1st. That an increased number of general officers is essential to the public service. The number of regiments, provided for by law is two of light dragoons, three of heavy artillery, four of riflemen, and forty-five of infantry, making together fifty-two regiments.

The simplest organization is ever the best. Hence it is that a regiment consists of two battalions, so a brigade should consist of two regiments, and a division of two brigades.

This sphere of command will be found in practice sufficiently large. The management of two thousand men in the field will be ample duty for a brigadier, and the direction of double that number will give full occupation to a major-general. To enlarge the sphere of command in either grade, would not be a mean of best promoting the public good,

Taking these ideas as the basis of the rule, and taking for granted also, that our ranks are filled, the present establishment would require twenty-five brigadiers, and twelve major-generals. But the latter admission requires qualification; and under existing circumstances, it may be sufficient that the higher staff should consist of eight major-generals and sixteen brigadiers.

The general argument on this head, might be fortified by our own practice during the war of the revolution, and by that of European nations at all times. Believing, however, that this view of the subject had been already taken by the adjutant-general, in a late communication to you, I forbear to do more than suggest it.

2d. The recruiting service would be much promoted were the bounty in land commutable into money, at the option of the soldier, and at the end of his service. This modification would be addressed to both descriptions of men—those who would prefer money, and such as would prefer land.

I need hardly remark that bounties at the close of service, have many advantages over those given before service begins. The former tie men down to their duty; the latter furnish, if not the motive, at least the means of debauch and desertion.

Another and a public reason, for the preference may be found, in the greater convenience with which money may be paid at the end, than at the commencement of a war.

I have the honor to be, with great respect, sir, your most obedient humble servant, JOHN ARMSTRONG.

Hon. D. R. WILLIAMS,
Chairman of the committee on military affairs.

Mr. *Williams* explained the progress of this bill, &c. He took occasion to advert to a declaration recently made in debate by Mr. Quincy, that it was intended to appoint a lieutenant general to command the armies of the United States, to which Mr. W. said, he was precluded by illness from replying to at the time. He now declared no such intention had ever existed in the minds of administration; that the late secretary of war (Mr. Eustis) had declared to him (Mr. W.) that he had endeavored to impress on his colleagues in office, the necessity of appointing a commander-in-chief: but that, to use the secretary's own words, he could not get the people in the *white house* [the president's] to assent to it; that by the gentleman who temporarily succeeded Mr. E. in the war office; he had been informed, that no such thing was in contemplation, or would be suggested in any manner to congress. And all this Mr. W. said he had heard long before the declaration made by Mr. Quincy, and should then have stated it, had not severe and sudden indisposition prevented him from replying, as he had intended, to that gentleman's speech.

Mr. *Quincy* expressed his gratification at this information; observing that he had been by no means alone in the impressions he had entertained on that

subject, which prevailed pretty generally on both sides of the house.

After some further consideration—

The blanks in the bill were filled with *six* major-generals and *six* brigadier-generals.

The committee then rose and reported the bill; which was ordered to be engrossed and read a third time to day.

On motion of Mr. *Bassett*, the house resolved itself into a committee of the whole, Mr. Nelson in the chair, on the bill supplementary to the act for the increase of the navy: and the bill was discussed, amended and reported to the house, where the amendments were agreed to.*

And amendment was also added, on motion of Mr. *Tallmadge*, authorising the sale of such of the gun-boats as may not be necessary to the public service.

Mr. Stow moved to strike out so much of the bill as authorises the purchase of private vessels for equipment, which was negatived.

And the bill was ordered to be engrossed for a third reading.

The bill authorising the appointment of additional general officers in the army of the United States, was read a third time and passed by yeas and nays as follow:

For the bill	65
Against the bill	30

The house then resolved itself into a committee of the whole, Mr. Lewis in the chair, on the bill directing the secretary of the treasury to remit certain fines, penalties and forfeitures, therein mentioned. [For the relief of merchants having imported goods recently after the war from the *dependencies* of Great Britain.] The bill was amended, reported to the house, and ordered to be engrossed for a third reading.

Monday, Feb. 15.—Mr. *Cheves*, from the committee of ways and means, made the following report:

The committee of ways and means report, That they have deemed it their duty, that the public service may not suffer and that the public credit may be duly supported, to look beyond the ways and means of the present year, and to take into consideration the revenue which may be wanted for the year 1814. That an estimate of the probable amount of the revenue which will accrue under existing laws, and be receivable within that year, has been submitted to congress in the annual report of the secretary of the treasury made during the present session. That, comparing the amount thereof with the sums that will probably be required by a prudent regard to the public credit, it appears to be indispensably necessary to make a further provision;—That this may be done by a partial suspension of the non-importation acts, which will not greatly lessen their injurious effects upon the enemy, by an additional duty on foreign tonnage, and by the imposition of internal taxes and duties; That, in their opinion, all these means will be necessary to supply the revenue which will be wanted; That it is impracticable, during the present session, consistently with a due attention to the other business of the nation, to enact the laws necessary to embrace the last mentioned object; but that this may be done, without difficulty and without a delay which will be injurious either to the public credit or the public service, by an earlier meeting of congress than the constitutional period, which it will be the duty of congress, or the executive branch of the government, to fix on such time as shall be deemed most proper and expedient; That it is, however, necessary that the suspension of the non-importation acts which is contemplated, should be enacted at the present session of congress: and for this purpose, and the imposition of additional duties on foreign tonnage, they beg leave to report a bill. They also report herewith, a correspondence between the secretary of the treasury and this committee on the subject of this report.*

Letter from the chairman of the Committee of Ways and Means to the Secretary of the Treasury.

COMMITTEE-ROOM, Feb. 3, 1813.

SIR—I am directed by the committee of ways and means to request from you the favor of a reply to the following questions:

1. What in your opinion would be the probable amount of revenue applicable to the service of the year 1814, which would result from a modification or partial repeal of the non-importation acts, such as is suggested in your letter of the 10th day of June,† 1812, addressed to the committee of ways and means.

2. Is the modification suggested by that letter the best in your opinion that can be devised to obtain a given revenue with the least possible diminution of the effects of the non-importation acts? If not, be pleased to suggest such alterations and improvements as occur to your mind.

3. Are there, in your opinion, any further legal provisions necessary, or will any be expedient, more effectually to enforce the non-importation acts, or to insure the more effectual collection of the revenue?

4. Would it, in your opinion, be advisable to increase the duty on foreign tonnage? If it would, to what amount? and what would be the probable addition to the revenue applicable to the year 1814, by such increase? I am, &c. LANGDON CHEVES.

Hon. ALBERT GALLATIN,
Secretary of the Treasury.

ANSWER OF THE SECRETARY.

Treasury Department, Feb. 9, 1813.

SIR—I have the honor to submit the following answers to the questions proposed in your letter of the 3d inst.

1. It is believed, from the reasons stated in my letter of the 10th

*This bill contemplates the immediate purchase or building of ten sloops of war, of the largest class, four of which are for the lakes, and appropriates money for the purpose; as well as to pay for the naval force already provided on the lakes, a part of which allotment is designed to cover the force prepared on them. It also provides for the establishment of a dock yard [a dry dock, we suppose, as recommended by captains *Hull* and *Stewart*] and authorizes the president to contract for the building of the six 44 gun frigates, provided for by the late law; the building to be under the inspection of an agent appointed by the secretary of the navy. It further authorizes the president to put out of commission such of the gun-boats as the public service may require, when these vessels shall be built; and provides the secretaries of the war and navy shall fix the relative rank of the officers of the army and navy, &c. This addition has been made on the suggestion of the new secretary of the navy; who also recommends an increase of the number of captains.

*The bill consists of eight sections. The 1st is the suspending article, with a proviso for fines or forfeitures already incurred. The 2nd is the most important, and is as follows:

"That nothing in this act contained shall be construed to permit the importation into the United States, of any articles of the growth, produce or manufacture of the dominions, colonies and dependencies of Great Britain, owned at the time of such importation, in whole or in part, by a subject of Great Britain, or by whomsoever owned, if of the following description, viz. hats, shoes, millinery, ready-made clothing, articles of which silk, leather, hemp, or flax, is the principal material, Irish linens excepted; cloths of which wool is the principal material, and the prime cost of which shall exceed six shillings sterling per square yard thereof; and cloths of which cotton is the principal material, and the prime cost of which shall be less than 15 pence sterling, or shall exceed three shillings sterling per square yard thereof; the importation of which several articles shall continue to be prohibited, according to the true tenor and meaning of the acts first abovementioned, and in the same manner as if this act had not passed."

The 3rd excludes the British goods allowed to be imported from the benefit of drawback. The 4th levies a duty on such goods as heretofore have paid no duty, as on "goods not otherwise enumerated." The 5th makes it unlawful for a judge to order the delivery of goods, the importation of which is prohibited, as was the usage at the late importations. The 6th provides that vessels with salt and Plaister of Paris, shall be unladen under the inspection of the officers of the customs, to be paid therefor by the owner or consignee. The 7th levies an additional duty of 6 dollars per ton on foreign tonnage. The 8th says that the act shall continue in force to the first of June, 1814, and no longer.

†See Weekly Register, vol. 2, page 282.

June last, to the committee of ways and means, that the amount of revenue applicable to the service of the year 1814, which would result from a modification of the non-importation acts suggested in the said letter, may be estimated at about five millions of dollars, provided that modification takes place during the present session of congress.

2. No better modification, for the purposes therein intended, has suggested itself than that proposed in the letter aforesaid. But it would seem requisite, for the same object, that no drawback should be allowed on the re-exportation of the merchandise which may be thus imported.

3. The most important legal provision, which appears necessary to enforce the non-importation acts, is a positive prohibition of a restoration by order of court of merchandise, the importation of which is prohibited by law. It is also believed, that it will be necessary to order all the cargoes of salt, particularly from Lisbon, to be discharged under the inspection of proper officers; and it appears reasonable that the expense should be defrayed by the importers.

4. It appears, in every point of view, highly desirable, that the duty on foreign tonnage should be increased. A duty of ten dollars per ton does not seem greater than what is required for the protection of American vessels. But I cannot form any correct estimate of the probable addition resulting to the revenue from such increase. Much would depend on the suppression of the trade carried on by American vessels with enemies licences.

With respect to the necessity of providing an additional revenue for the year 1814, I beg leave to refer to the statements made and opinions expressed, when I had the honor several weeks ago to wait on the committee of ways and means. And I beg leave to add that this necessity has been considerably increased by the subsequent expenditures authorised by law; amongst which must be particularly mentioned the act for the increase of the navy, and that for raising 20,000 men for one year. Indeed, considering the general rate of expenditures resulting from the war measures which have been adopted, I am of opinion, it will be necessary to recur both to a modification or repeal of the non-importation acts and to the proposed internal taxes, in order to provide a revenue commensurate with those expences. When an additional revenue of five millions was believed sufficient, that opinion was predicated on the supposition made by the committee that annual loans of only 10 or 11 millions of dollars would be wanted. With a revenue of 12 millions of dollars for this year, it is ascertained that a loan of at least sixteen millions is necessary.

I have the honor to be, &c.

ALBERT GALLATIN.

Hon. LANGDON CHEVES,
Chairman of the Committee of Ways and Means.

Committee Room, February 11, 1813.

SIR,—The committee of ways and means are of opinion that it is expedient to raise an internal revenue for the service of the year 1814, but that it is altogether impracticable, within the present session, to pass the necessary laws for that purpose: they have therefore directed me to enquire of you, at what time, in your opinion, it will be necessary that such laws should be enacted, in order to raise a revenue which may be collected in time for the service of that year.

I am also directed to bring to your attention the last paragraph of your letter to the chairman of this committee, of the 10th June, 1812, and to ask whether the opinion therein given is applicable to the present state of things and to the probable exigencies of the government in the year 1814?

As early an answer as shall be consistent with your convenience is requested.

I am, sir, with great respect, your obedient servant,

LANGDON CHEVES.

The honorable Albert Gallatin,
Secretary of the Treasury.

Treasury Department, February 13*th*, 1813.

SIR—In answer to your letter of yesterday, I have the honor to state that I still believe it practicable to organize the taxes within three or four months after the passing of the laws, in the shape reported. This, however, is only matter of opinion in which I may be mistaken; and it would certainly be desirable, if other considerations do not oppose it, to prevent the danger of disappointment by allowing more time for the selection of officers, preparing and transmitting the forms and instructions, and taking all other steps necessary for the organization of a difficult and novel system, which must pervade every part of the extensive territory of the United States. The selection of officers including the time necessary to ascertain whether they will accept, is perhaps the operation most likely to produce delay.

I have the honor to be, respectfully, sir, your obedient servant,

ALBERT GALLATIN.

Honorable Langdon Cheves,
Chairman of the Committee of Ways and Means.

The report and documents were read.

Mr. *Cheves*, then introduced the bill abovementioned, which was read the first time and ordered to be read a second time by a vote of 44 to 36.

The report and bill were referred to a committee of the whole house and made the order of the day for Wednesday next

The engrossed bill supplementary to the act for increasing the navy of the United States, was read the third time and passed, without a division,

YAZOO CLAIMS.

The house resolved into a committee of the whole on motion of Mr. *Poindexter*, Mr. Pitkin in the chair, on the bill from the senate relative to the compromise of the Yazoo purchases, and the amendments proposed by the committee of public lands to the same. [See their report, page 390.]

Mr. *Harper* opposed the adoption of the amendments, and defended the claims of the purchasers.

Mr. *Clay* moved that the committee rise and report progress, with a view to lay the subject over for the session, which he supported on the ground that there was not time to discuss the subject fully during the present limited session, without neglecting business of immediate and pressing importance.

Mr. *Clay's* motion was opposed by Messrs. *Poindexter*, *Wright* and *Widgery*, and supported by Mr. *Bibb*; when the question was taken and carried.

For the motion . . .	63
Against it	48

The committee then rose and reported progress; and the question arose whether the committee should have leave to sit again; which, (after some observations from Mr. Stow, in favor of leave) was decided by yeas and nays, as follows:

For granting leave . .	53
Against it	65

On motion of Mr. *Poindexter*, the bill and report on the subject made by the committee of public lands, was ordered to lie on the table. Motion carried, by ayes 60—noes 50.

Mr. *Macon*, from the joint committee appointed to wait on the president of the United States to inform him of his re-election to that elevated station, reported that they had performed that duty.

Tuesday, Feb. 16.—Mr. *Milnor* presented the petition of the Abolition Society of Philadelphia, complaining of infractions of the law of the United States, prohibiting the introduction of slaves, praying that the defects of the same may be amended—Referred.

The speaker laid before the house a letter from the secretary of the treasury, transmitting a statement of the exports of the United States, for the year ending the 30th Sept. 1812.

NATURALIZATION LAWS.

On the question of concurrence with the committee in striking out the second section of the bill, which deprives of his right to the privileges of citizenship any citizen who shall depart from and remain without the limits of the United States for a term of two years—the yeas and nays were,

For striking out the section,	71
Against it	43

The bill having been thus amended, was ordered to be engrossed for a third reading.

The house resolved itself into a committee of the whole, Mr. *Breckenridge* in the chair, on the bill "establishing on elementary exercise for the *infantry of the militia and army of the United States.*"

[The bill proposes the adoption of the system entitled, "A hand-book for infantry," the author of which is WILLIAM DUANE, as the system of elementary exercise for the infantry of the militia and army of the United States.]

A letter from the present secretary of war to the military committee recommends the adoption of this system.

On the question of engrossing the bill for a third reading—

Considerable debate took place, Mr. Tallmadge and Mr. Quincy opposing, and Mr. Williams and Mr. Johnston supporting it.

A motion was made by Mr. *Turner* to amend the bill so as to confine its effects to the army of the U.

States, and not to extend it to the militia; which motion was negatived.

And the bill was ordered to be engrossed for a third reading.

The house then resolved itself into a committee of the whole house on the bill for releasing to the owners of privateers all claims of the United States under the non-importation law, to British property taken on board of American vessels.

After some minutes spent in committee of the whole, the committee rose, reported progress and obtained leave to sit again.—Adjourned.

Wednesday, Feb. 17.—Mr *Little* introduced the following resolution with some remarks in favor of the policy of the non-importation act, to which he avowed himself to be very friendly, and to the suspension of which he was opposed:

Resolved, That the committee of ways and means be, and hereby are, instructed to report to this house a bill or bills laying taxes for the support of the war.

It was agreed to consider this resolution, ayes 66 nays 38. After a desultory debate of two hours, a motion to lay the resolution on the table was negatived, 60 to 45. Messrs. Little, Stow, Wright and M'Kim supported, and Messrs. Grundy, Bibb, Richardson and Cheves opposed it, on various grounds.

Mr. *Archer* moved to strike out the whole of the resolution, for the purpose of inserting an instruction to the committee of ways and means to report a bill or bills, pursuant to a report of the committee of ways and means on this subject, which passed the house on the 4th day of March, 1812.

This modification of the motion was accepted by Mr. *Little*.

As this contained a definite instruction Mr. *Cheves*, as a member of the committee, from delicacy, withdrew his opposition, but declared it impracticable to pass these bills the present session. After some remarks from Messrs. Roberts, Johnson, and Widgery, the question was taken by yeas and nays and determined as follows:

YEAS.—Messrs. Anderson, Archer, Bard, Bassett, Bibb, Brown, Burwell, Butler, Calhoun, Cheves, Clopton, Crawford, Dawson, Desha, Earle, Franklin, Gholson, Goodwyn, Green, Grundy, Hawes, Hufty, Lacock, Little, Lowndes, Lyle, Moore, Metcalf, Nelson, Newton, Pleasants, Roane, Roberts, Robertson, Sage, Sammons, Seaver, Sevier, Seybert, Shaw, G. Smith, J. Smith, Stow, Taliaferro, Whitehill, Williams, Winn, Wright.—48.

NAYS.—Messrs. Alston, Avery, Bacon, Baker, Blackledge, Boyd, Breckenridge, Carr, Champion, Chittenden, Clay, Cochran, Condit, Cutts, Davenport, Davis, Dinsmoor, Ely, Fisk, Fitch, Gold, Goldsborough, Gray, Grosvenor, B. Hall, O. Hall, Harper, Hyneman, Jackson, Johnson, Kent, King, Law, Lewis, Macon, M'Bride, M'Coy, M'Kee, M'Kim, Milnor, Morgan, Morrow, Moseley, Newbold, Ormsby, Pearson, Pickens, Piper, Pitkin, Porter, Potter, Rhea, Rodman, Sawyer, Sevier, Stanford, Stuart, Strong, Sturges, Taggart, Tallmadge, Tracy, Troup, Turner, Van Cortlandt, Wheaton, Widgery, Wilson.—59.

So the motion was rejected.

The engrossed supplementary naturalization bill was recommitted.

The engrossed bill establishing an elementary exercise for the infantry of the army and militia of the United States, was read a third time and passed.

For the bill	56
Against it	28

The house then went into a committee of the whole on the appropriation bill for the year 1813, and filled up the blanks.

Athenæan Society of Baltimore.

In vol. I. page 461, of the WEEKLY REGISTER, is a brief sketch of the rise and progress of that delightful institution, the "*Athenæan Society of Baltimore*," which originated in the patriotism of a few individuals, who associated and made a little common stock of $20,000, in shares of 20 dollars each, for the purpose of establishing a point where domestic manufactures should be received, purchased and sold. To that sketch we refer for particulars; and at this time would merely introduce a polite note from WILLIAM HASLETT, esq. the worthy president of the institution, to shew its growing business. We rejoice that it presents a faithful epitome of the general situation of the country.

MR. H. NILES,

SIR—Subjoined you have the amount of sales of domestic manufactured goods, by the Athenæan Society, since the commencement of the institution. Knowing you to be friendly to such establishments, I hand you the statement to use as you may deem proper.

With respect,

Yours,

WILLIAM HASLETT,

President of the Athenæan Society.

Am't. of sales during the year	1809, .	$17,608
	1810, .	32,137
	1811, .	51,519
	1812, .	80,893

Baltimore, 5th Feb. 1813.

Annoyance of the Enemy.

It is the practice of every nation, and of our enemy, *Great Britain*, above all others, (who has been frequently indebted for her *splendid victories* more to the cunning of her intrigues, than the power of her arms) to encourage desertions from the military forces of their foe, and promote disaffection in all his hostile establishments. The procedure is accepted as a part of the law of nations; and is a universal practice, sanctioned by immemorial usage.

We would not retaliate on *Great Britain* the same measure that she metes to us. We would not *scalp* Englishmen, nor *tomahawk* women and infants. We would not disturb the sleep of the cradle by the crackling flames of the cottage, wantonly destroyed. Nor would we starve those that fall into our hands as prisoners of war; or confine them so that they should perish for want of fresh air; much less compel them to fight against their country. But we would use every *legitimate* means to harrass the enemy and bring him to terms, and distress him in every possible shape.

It is understood that the naval force of Great Britain is composed of the most combustible materials. The fact is proved by the great reluctance with which her seamen return to the service—they have no joy in leaving *our prisons* for *British freedom*.—Let this spirit of disaffection be promoted to the utmost—it only wants encouragement to do mighty things for us. It is, perhaps, the very means that Providence has permitted, to prostrate the *Colossus* that stretches from one pole to the other, and fills the intermediate space with rapine, robbery and blood.

If congress were to pass a law offering a bounty of two or three thousand dollars *per gun*, for every gun a *British* vessel shall carry, which *British* seamen may seize upon and bring into our ports, with a pledge of future protection to those who made such seizures, and the fact was made known by public proclamation of the president, the act being annexed, it is thought the *British* officers would at least be more wary in their movements, if we did not speedily obtain ships enough to *compel* them to be so. The thing is worthy an experiment; and a knowledge of it will make its way into every vessel, let the enemy be as vigilant as he may; and all have some *Americans* on board to form a rallying point. In the Bri-

tish fleets are many thousand manufacturers, who would gladly return to their old habits. We can give them profitable employ, and thus use them *peaceably*, but effectually, to fight the battles of *independence*.

The proclamation ought to be openly issued, and some millions of copies printed, that every person may have of them. If *Great Britain* should object to this, we will refer her to *her own* order in council, issued during the *embargo*, to encourage the *American* people to violate the laws of their country; we will direct her to the case of *Benedict Arnold;* and in the journals of the *revolutionary congress* find precedents enough, on her part, to sustain the procedure at *common law*. Her best friends will hardly have the impudence to condemn it; nor will the most *religious* declare it *immoral*. It is *legitimate war;* and *Great Britain* may, in return, seduce as many of our seamen as she can—only let her stop *impressing*.

Events of the War.

MILITARY.

It is stated in an *Augusta* paper, that general *Flournoy* has determined to employ the *Tennessee* volunteers with captain *Saunder's* rifle company, in an expedition against the Seminole Indians; and adds "if so, the fate of that nation is sealed."

Sometime ago, the house of one *Pomeroy*, a tavern keeper at *Buffalo*, was attacked by a mob and partly demolished, in consequence of its being understood he had said that "he wished that every one that crossed to fight the *British* might be killed," or words to that effect. Of this mob which consisted of a large assemblage of soldiers and citizens, amounting to several hundreds, it appears that five, or at most six, of the *Baltimore Volunteers*, formed a part; but in pursuance of the fixed determination of some men to depress the character of this city, unfortunate enough in the disasters that occurred, they have *charitably* attributed the whole affair to the elegant corps that marched hence to sustain their country's honor; notwithstanding the highest authority is staring them in the face, to the contrary. This is cruel, but not more malicious than might have been expected. Lieut. *Irvine*, of that corps, editor of the *Baltimore Whig*, has been charged as the leader of the mob; but the truth is, he was the most active of all men to suppress it. The affair is noticed only by way of *memorandum;* and we gladly seize the opportunity to say that when the troops under general *Smyth* were ordered to cross, *one hundred and three of this corps* were cheerfully in the boats—*four* only were absent, and they were sick in the hospital.

A letter from *Hampton*, (near *Norfolk*,) dated February 10, says—"We have been for several days in a bustle, on account of a British squadron coming into the Chesapeake; an invasion from them was the general opinion, and as we were illy prepared to meet them, it required the greatest exertions to get ourselves in any kind of readiness to make a stand against the enemy.

The agility of man could not exceed what was performed in this town in a few hours. Every man turned out and continued under arms the whole night. Expresses were sent round the country, and the ensuing day the militia were flocking in from every quarter; a dispatch being sent on to the governor a sufficient number of troops were ordered out immediately; they are at this time nearly organized and perfect serenity decks every brow. The governor has headed the troops destined for Norfolk, and is now on his march to that place. The admiral (Warren) has been greatly irritated from a reply sent him by the colonel of Princess Ann county, where he had sent a flag of truce to obtain water, offering to quit his station and proceed to sea if his request was granted; the patriotic old gentleman sent him word, if he wanted water *to go to Hampton* for it, meaning to freshen his memory relative to the water cask business; by some captains who were prisoners on board his vessel, we are informed that Warren got into a great passion and swore that he would have water at the risk of his squadron. What he will attempt is all surmise.—One thing is certain, if he lands at, or near this place, but few of his men will ever do him service again, for never was such a spirit of fighting in the hearts of men. The Spartan Hamptonians long for a conflict with their sanguinary enemy Warren takes every vessel that passes him, even to oyster boats. If any of those licensed gentry attempts to go sea, he stops them and sends them back to their ports. Some think its to prevent them from going out fearing they would give information to the French frigates that they expect in the Chesapeake every day."

In consequence of the appearance of the enemy at Norfolk, as stated in our last, the legislature of Virginia authorised the governor to call out certain portions of the neighboring militia, with several troops of horse, and some companies of volunteers; all which reached the place of destination at an early date, and are under the command of the governor in person. Several members of the legislature have shouldered their muskets.

The Virginians have seized their arms, as if one soul actuated the whole people, to resist the British in the Chesapeake, and defend the coast. The papers published on this matter are of great length; but we content ourselves with merely observing that—we *almost* wish the British may attempt a landing.

Norfolk, Feb. 12.—By the last accounts from the bay side, there were said to be eight frigates, and six smaller vessels at anchor in the bay. Three boats were manned out from the squadron on Wednesday for the purpose of burning the schr. Lucretia, mentioned in our last. She being aground within thirty yards of the shore—the boats were fired upon by a party of the Princess Ann militia under lieut. Stone, and repulsed without affecting their object.

CHILICOTHE, Feb. 6, 1813.

Last evening, an express arrived in town from gen. Harrison. We publish extracts of two letters written by him to governor Meigs. It is with pride, we state, that, though overpowered by numbers—yet the *brave Kentuckyans* have done their duty. General Harrison and the army under him, are in good health and spirits.

Extracts of letters from general Harrison to governor Meigs, dated

HEAD-QUARTERS, PORTAGE RIVER, Jan. 29, 1813.

"A Frenchman arrived here, this evening, by way of Lower Sandusky, from the river Raisin, which place he left on the night of the 24th. He says, that there must have been *six hundred of our troops* taken prisoners—that the greater part of our men fought *most desperately*, and would have beaten the enemy if the centre of the line had not given way, and they had been well supplied with ammunition which had been unfortunately placed in a house at some distance. He counted sixty one of the enemy's killed, which were removed after the action in sleds, and he asserts he heard a British colonel admit, that the loss on their side in killed, was equal to ours.

I sent two men, two days ago to ascertain the situation of the enemy and our wounded. The Frenchman states, that the latter were left at the river Raisin. I shall march the day after to-morrow for the Rapids, and from there as soon as I get up the artillery—the progress of which has been stopped by excessive rains. The Frenchman is certain, that general Winchester, colonel Lewis and brigade-major Gerrard, are among the prisoners."

HEAD-QUARTERS, PORTAGE RIVER, 31st *Jan.* 1813.

"This morning, two spies whom I had sent in to the River Raisin, have returned. They give a still more favorable account of the action, than that before received. They say, that a considerable larger number of the enemy were killed, than of our men, and that, after resisting every assault of the British, and charging the latter successfully several times—they did not surrender *until after the return of the Indians* from the pursuit of those who had retreated in the commencement of the action. There were *two thousand one hundred men* on the side of the British."

[A post-script to the *Pittsburgh Mercury* says that gen. Harrison was at the Rapids of the Miami on the 6th instant.]

Generous Kentucky.—The news of the disaster under *Winchester* has added a new flame to the ardor of the west. A letter dated *Lexington*, Feb. 3, says—"When the news arrived at *Frankfort* last evening, almost the whole town were at the theatre, the governor among the rest: He was called out, and of course, the news soon spread through the house; at the conclusion of the third act, the whole audience had retired. Here you see fathers going about half distracted, while mothers, wives and sisters are weeping at home. The voice of lamentation is loud; the distress is deep; yet neither public nor private distress can damp the ardor of the people. Already they propose raising a new army to revenge the loss of their brave countrymen. It is confidently expected our town will raise a company in a few days. You witnessed the emotion of all ranks of people after the shameful surrender of Hull. I need only say, the same spirit prevails at present."

All the officers and soldiers attached to the U. States forces on the Niagara frontier are ordered immediately to join their respective corps.

The U. States volunteers were ordered from Buffalo to Utica, with a supposed destination for Sackets Harbor. But in consequence of the news of Winchester's defeat, they remain as they were.—Desertions to Buffalo, from the British side, are frequent.

Captain *Butler* who distinguished himself in the battle of Mississinewa, is a son of the brave gen. *Butler* who was killed in St. Clair's defeat. The son now commands the *Pittsburgh Blues*—a handsome company of twelve months volunteers.

Letters from the cantonment near Plattsburg speak of the situation of the soldiery in winter quarters as exceedingly comfortable—abundant supplies are at hand.

A letter from brig. gen. Leftwich, commanding the detachment from Virginia in the North-Western army, dated at Delaware, (O.) Dec. 18, 1812, has been published; in which he speaks in very high terms of the good order and discipline of the brigade.

The recruiting service goes on handsomely in *Boston.* Seventeen men were enlisted by one party in one day.

We understand that the President of the United States has annulled the power of ANDREW ALLEN, jun. esq. late British consul for the eastern states; and that he has been directed to repair to, and remain at Worcester, until otherwise ordered by the department of state. *Bost. Chron.*

NAVAL.

"Live the Constitution!"

In our last was inserted a *political* essay in favor of the *Constitution*—we now give a *practical* proof of its power!—Is it not ominous to the *British* party that in two attempts to destroy the *Constitution*, "his majesty's" ships and servants have been blown to atoms? May such forever be the fate of the wretch that assails it, whether he be a knave of foreign or domestic growth.

We have not language to express our feelings on this glorious occasion—the *vengeance-charged* yankee guns have again prostrated the bloody cross.

The official account is not yet received.

Splendid Naval Victory

By the frigate Constitution, commodore Bainbridge.

WILMINGTON, (Del.) Feb. 17.

We have been obligingly favored by major Robert Carr, who has just returned from New-Castle, with the following interesting account of another splendid naval victory.

The account was brought to New-Castle by an officer of the Constitution, who had just landed from a schooner, prize to the Hornet, who was in sight at the close of the action, and from whose journal major Carr extracted it. The officer has gone on to Washington with despatches. [He passed through Baltimore yesterday morning.]

"Dec. 29, 1812, at meridian, lat. 13, 6, S. long. 36, W. 10 leagues from St. Salvador, descried a sail, which was soon discovered to be an English frigate. We took in mainsail and royals, tacked ship and stood for her. At 50 minutes past 1, P. M. the enemy bore down with intention of raking us, which we avoided by wearing.

At 2 P. M. enemy within half a mile and to windward; having hauled down his colors, except union jack at mizen-mast head; the Constitution fired one gun ahead of the enemy to make him shew his colors, on which he gave us his whole broadside. A general action with round and grape shot then commenced, the enemy keeping at a much greater distance than we wished, but we could not bring him to close action, without exposing ourselves to severe raking. Both vessels manœuvred, some times to rake and avoid being raked.

At 2 P. M. commenced action within good grape canister distance. At 30 minutes past 2, our wheel was entirely shot away. At 40 minutes past 2, determined to close with the enemy notwithstanding his raking fire; set fore and mainsail, and luffed up close to him. At fifty minutes past 2, the enemy's jib-boom got foul of our mizen rigging.

At 3, head of the enemy's bowsprit and jib-boom shot away by us. At 5 minutes past 3, shot away enemy's main-top-mast just above the cap. At 40 minutes past 3, shot away their gaff and spanker boom. At 55 minutes, shot away their mizen-mast nearly by the board. At 5 minutes past 4, having completely silenced the enemy, and his colors in the main being down, we supposed he had struck, and shot ahead to repair our rigging, which was much cut, leaving the enemy a complete wreck.

Soon after we discovered the enemy's flag still flying. At 20 minutes past 4, the enemy's main-mast went by the board. At 50 minutes past 4, we wore ship and stood for the enemy.

At 25 minutes past 5, got close to her in an effectual position for raking, athwart her bows, and at the very instant we were preparing to give our Broad-

side, the enemy prudently struck his colors. Lieut. Parker was sent on board to take possession of the prize, which proved to be his Britannic majesty's ship JAVA, rating 38 but mounting 49 guns, commanded by captain Lambert, a distinguished officer, who was mortally wounded, with a crew of upwards of 400 men, besides 100 supernumerary men, going out to the East Indies for different ships there.

On board were a number of passengers among whom were lieut. gen. Hislop, governor of Bombay, major Walker and capt. Wood of his staff, captain Marshall, mas. and com. in the royal navy, and several officers appointed to ships in the East Indies.

On board the Java were 60 killed and 170 wounded. The Constitution had 9 killed and 25 wounded.

She had on board despatches for St. Helena, cape of Good Hope, and the different establishments in the East Indies and China, and copper for a 74 and 2 frigates building at Bombay. The crew with the officers baggage being taken out, the ship was set on fire Jan. 1, and blew up, being so crippled as to render it impossible to bring her into port.

Commodore BAINBRIDGE was slightly wounded.

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The letter of marque schooner Lottery, of Baltimore, outward bound, 6 guns, and about 35 men, has been taken in the Chesepeake by nine large boats, heavily armed and having 240 men, after a gallant fight of an hour and a half—in which the British are supposed to have lost more men than the whole crew of the Lottery consisted of. A dear purchase. Captain Southcomb being badly wounded, the enemy boarded, and pulled down the colors themselves!

A band of *veterans* from the British squadron, landed at the light house on *Cape Henry*, and bravely attacked the pantry and smoke house of the keeper, and captured his hams, minced pies and sausages—after which they returned with flying colors to their ships. "*England expects every man to do his duty!*" This brilliant affair took place on the 14th instant.

The United States frigate *Chesapeake*, captain Evans, boarded an American vessel when nine days out from Lisbon, about 45 days ago. We have no particulars of what she has been doing.

The letter of marque schooner Cora of *Baltimore*, from Nantz, with a very valuable cargo, was taken by the British squadron in the bay. She was attacked by a pilot boat with a nine pounder and three launches which she beat off; but a 74 and a brig came up and she was forced to strike. During the chase four men made their escape from the Cora in a boat and landed on Cape Henry. They were pursued so near the shore by a boat from the enemy squadron, that four of the *Englishmen* were shot by the militia on the beach, when the chase was given up. The blockade is most rigorously enforced. *Swedish* and *Spanish* vessels have been refused *admittance*, and ordered to other ports, and all going out are stopped. The schooner Lucretia of Boston, seized by them, went ashore in a gale, and the midshipman and five seamen having charge of her were made prisoners.

The British appear disposed to attempt to fulfil the prophecies of Mr. *Canning's* "friends in America," in part. They are blockading the *Chesapeake*, and *Delaware*, and are occasionally off *New-York*.—We should assist them by laying a rigid *embargo*—at any rate prohibit all trade to *Spain* and *Portugal*, through *neutrals*, as they are called, or *British-protected* ships. Sir *John B. Warren's* conduct has greatly *shocked* the *British* license holders in *Baltimore*, *Alexandria*, &c. but they excuse him, because he wants to entrap an expected French fleet! *Meek and charitable!*

The Dolphin privateer of *Baltimore*, off Cape St. Vincent, with 10 guns, and only 60 men in the whole, engaged at the *same time* a ship of 16 guns, and 40 men, and a brig of 10 guns, and 25 men, and gallantly captured them both. The ship was from *Smyrna* and the brig from *Malta*, large vessels, with very rich cargoes. They were ordered for the first port in the United States. The ship is perhaps the most valuable vessel taken on either side, since the war. We shall heartily greet her safe arrival. The Dolphin lost four men in the engagement. She passed through the British squadron in our bay, forcing the small vessels out of their course. The captain of the British ship, smarting with his wound, said, "he did not expect to find a d—d Yankee privateer in that part of the world," but was given to understand that by and bye captures might be made in the Thames, at which he wondered greatly!

The following is honorable to all parties concerned in it—we should be glad to see such things from the other side of the water.

W. A. BRIGHAM, lately captured in the British merchant ship Hebe under his command, by the United States privateer Dolphin, captain *W. S. Stafford*, after a severe contest, begs to make public and gratefully acknowledge the sense he has of the very kind and humane treatment he and his crew experienced on board the Dolphin—during a passage of five weeks from the time of capture to our arrival at this port. That all wearing apparel and private property was given up to the prisoners and the wounded, eight in number, most diligently and tenderly attended. W. A. Brigham being badly wounded by a musket shot and much burnt, experienced a very great share of this attention from Dr. *Chidester*, the surgeon, which together with the tender sympathy and goodness of captain Stafford added much to his recovery and happiness. Should the fortune of war ever throw captain Stafford or any of his crew into the hands of the British, it is sincerely hoped he will meet a similar treatment

Baltimore, February 16th, 1813.

In a Jamaica paper of the 19th December, we have a particular account of the shipwreck of the British frigate Southampton and late United States brig Vixen, her prize, on a reef of rocks not laid down on any chart, near the island of Conception, one of the Bahamas. There were no lives lost. The officers and crews have arrived at Port Royal in the Rhodian brig. The Vixen was captured after a chase of nine hours; and when shipwrecked, her officers and crew behaved so much to the satisfaction of Sir *James L. Yeo*, that he summoned them together and expressed his approbation, stating that he would exert himself to obtain for them every preference and accommodation in his power.

Dashing.—An American privateer, name as yet unknown, entered the roads at Bridgetown, Barbadoes and cut out a very valuable ship, in the face of seven men of war then lying there, and carried her off.

The British government has sent orders to the West Indies that no fleet shall sail without a convoy of three ships of the line and two frigates! This is a handsome compliment to our naval heroes. The British privateers are capturing *licensed* vessels bound to *St. Bartholomews*.

The cartel ship Bostwick, has arrived at New-York, from Bermuda, with 480 American prisoners on board. We hail their restoration to their country. Among them are the officers and crew from the *Essex* frigate taken in the packet Nocton, (see prize list No. 336) recaptured—and the officers and crews of the *High Flyer* and *Teaser* privateers.

famous for their successes, but at last overtaken by superior force.

Two 74's and two frigates are cruising off Madeira, in two squadrons.

The Saucy Jack of Charleston, has captured, after a smart action, a very valuable brig from Belfast, for Jamaica, carrying twelve 12 pounders—also the ship Morton, from London, with a cargo invoiced at £70,000 sterling. Ordered them in; expected daily to fall in with a fleet, and have the "pleasure of shewing them the Yankee stripes."

Of seven heavy armed transports that left England about the 8th of November for Halifax, one has been wrecked, (the Diligence) one has been taken and sent into the Delaware, (the Lady Johnson) and one is missing, supposed to have foundered. The others have arrived.

Disgraceful.—The brig Cosmopolite, from New-York for Cadiz, was boarded on the south tail of the Grand Bank by "his majesty's" ship Atalanta. The captain of the brig supposing it was the *United States* vessel the Hornet, was on board two days—but at last finding that the ship belonged to the *enemy*, he produced *the enemy's license* and was suffered to proceed. *How ignominious!*

The Non-Importation Law.

The political feeling of *Baltimore* never received so rude a shock as by the report of the committee of ways and means, recommending "*a partial suspension of the non-importation law.** The same sensation is felt wherever the intelligence has arrived, by every friend of the *constitution* and *government* of the United States. If any man will read the evidence produced in the *British* house of commons, he will readily and certainly perceive that this law is one of our strongest weapons. The facts therein so feelingly made known are notorious to every member of congress; and if to "aid and comfort the enemy" is treason, we know not how the enemy can be more powerfully aided and comforted than by receiving his manufactures, situated as he is at present. The condition of his laborers is dreadful for the want of employ; and every day adds to the general amount of distress that will coerce the government to justice. If this law should pass, we sincerely hope that some person will introduce a bill to prevent our land and naval forces from using *lead* or *iron* bullets, ordering them to be made of *corn-meal* or some other "*funny-war*" *material.* This vascillation being persevered in, will have the double effect of depressing the spirit of *America* and of raising the hopes of *Great Britain*, already sufficiently excited by her friends resident here. Heaven help us, if there are no other means of carrying on the war than by giving the most efficient aid to the enemy! Feed the *British* and buy their goods, and they will fight us fifty years. By *licenses* they will regulate our trade; and push their whole force to seize on that they may not "*permit*" us to have.

It is truly unfortunate that congress are not invested with the power of laying a duty on *exports.* The readiness with which the *British* "graciously" permit our vessels laden with certain commodities to traverse the ocean, shews their *necessity* of them. In *that case* the enemy, *as the consumer*, would be taxed, but in receiving *his* goods we tax ourselves, being the consumers. However plain this appears, there are some who make great speeches and write long essays, to shew how the *merchants* pay the taxes! The credit is more justly due to the *custom-house officers*, who compel the merchants to pay into the public treasury the money they themselves exact from the people.

We have long designed to lay before our readers an abstract of the evidence produced in the house of commons (which effected the partial repeal of the orders in council) and shall do it before long. There is nothing more clear to my mind than that *our* restrictive measures, and not the repeal of the *French* decrees, brought about a revocation of these unjust edicts. What then shall tempt us to abandon them, and harrass our own rising manufactures?

*Notice being given, one of the largest and most respectable meetings ever known here, was held on Thursday morning; a committee was appointed to draft a remonstrance to congress against the proposed repeal. At 4 o'clock, to an adjourned meeting, they produced a brief but very nervous essay, which being amended, was adopted, and ordered to be transmitted, immediately. We have not been able to obtain a copy in time for this publication.

Tonnage of the United States.

We have as usual, a "letter from the secretary of the treasury, transmitting his annual statement of the district tonnage of the United States, on the 31st of December, 1812, together with an explanatory letter, from the register of the treasury." As in vol. I. page 365, of the WEEKLY REGISTER, a statement of the tonnage is given in detail, from which the present does not materially differ, the following may suffice all needful purposes:

RECAPITULATION.

The aggregate amount of the tonnage of the several districts of the United States on the 31st December, 1811, is stated at			*Tons. 95th.* 1,232,502 39
Whereof—Permanent registered tonnage,	679,447 70		
Tempory registered tonnage,	89,444 46		
Total registered tonnage,		768,852 21	
Permanent enrolled and licensed tonnage,	407,344 68		
Temporary enrolled and licensed tonnage	13,329 09		
Total enrolled & licensed tonnage,		(a) 420,673 77	
Licensed vessels under twenty tons, viz.			
Whereof—Employed in the coasting trade	34,103 59		
Ditto. in the codfishery,	8,872 76		
As above,		42,976 36	
			1,232,502 39

(a) Of the enrolled and licensed tonnage there was employed in the coasting trade,

	336,258 70	
Ditto, in the whale fishery,	54 17	
Ditto, in the codfishery,	34,360 85	
As above,		420,673 77

It appears by the collector's abstracts that 146,691 82 tones new vessels were built during the year 1811; whereof 108,359 72 tons were registered, and 38,296 10 tons were enrolled.

TREASURY DEPARTMENT,
Register's Office, February 5, 1813.

I do hereby certify that the foregoing statement is a true extract made from the quarterly abstracts of tonnage rendered by the collectors of the several districts of the United States for the year 1811.

JOSEPH NOURSE, *Register.*

Patents issued in 1812.

We are furnished with a copy of a letter from the Secretary of State to the Speaker of the House of Representatives, transmitting a list of the names of the persons to whom patents have been issued for any new or useful art, machine, manufacture or composition of matter, or any improvement thereon, from Jan. 1, 1812 to Jan. 1, 1813.

The total amount of patents obtained is 237. We observe, with great pleasure, that many of them relate to spinning and weaving and the other various rising manufactures of our country. If some vacant space should shortly occur, the last shall be inserted in the REGISTER, as a monument of the constant prying curiosity and active genius of our countrymen.

Mortality of Boston.

Boston (Mass.) is situate 42° 23" 15 N. lat. The census of 1810, gave the number of inhabitants at 33,250.

The whole number of deaths in the year 1812, was 682; of whom 325 were males, and 357 females.

Of these 168 died under a year old; 37 from 1 to 2; 29 from 2 to 5; 20 from 5 to 10; 47 from 10 to 20; 111 from 20 to 30; 78 from 30 to 40; 80 from 40 to 50; 39 from 50 to 60; 29 from 60 to 70; 26 from 70 to 80; 11 from 80 to 90; 6 from 90 to 100.

The greatest mortality was in the month of May, 77; the least in February, 42.

Diseases—By consumption 190; infantile diseases 135; fevers, chiefly typus and pulmonic, 74; stillborn 48; old age 35; dropsy 16; apoplexy 15; quinsy 17.

British Licenses.

Cadiz, November 23, 1812.
(PRIVATE.)

SIR—I have the honor to enclose you a copy of an order in council, which has been transmitted to me by his Britannic majesty's secretary of state for foreign affairs, empowering me to grant licenses to such vessels as shall arrive at Cadiz with cargoes of grain and flour, furnished with his majesty's licenses, from Aug. J. Foster, esq. his majesty's late minister in the United States, to return with cargoes of lawful merchandize to the ports of the said states; and I beg to inform you, that I am prepared to give licenses to any vessel or vessels coming within the description of the enclosed order.

I have the honor, &c. &c.

Your obedient humble servant,

(Signed) H. WELLESLEY.

To the consul of the U. States of America, Cadiz.

At the Court at Carlton-House, 13*th Nov.* 1812.
PRESENT, (COPY)

His Royal Highness the Prince Regent in council.

Whereas it is expedient that all vessels which have arrived, or may hereafter arrive, at the ports of Lisbon or Cadiz, with cargoes of grain and flour, from the United States, being furnished with his majesty's license, or with licenses from Augustus J. Foster, esq. his majesty's late minister in the United States, should be permitted to return with cargoes of lawful merchandize to the ports of said states; and that such vessels with their cargoes, to whomsoever the same may belong, should be protected on their return against capture by his majesty's cruizers. His royal highness the prince regent, in the name and on the behalf of his majesty, is pleased, by and with the advice of his majesty's privy council to order, and it is hereby ordered, that all vessels which have arrived, or may arrive at the ports of Lisbon or Cadiz, with cargoes of grain and flour, from the United States of America under his majesty's license, or on the faith of passports for the protection of such vessels by his majesty's ministry in America, be permitted to take on board at either the ports aforesaid, being the port of destination of of their outward bound cargoes respectively, cargoes of lawful merchandize, and to return therewith to any port of the United States of America; without molestation on account of the present hostilities, and notwithstanding the said ships and cargoes may belong to citizens or inhabitants of the United States of America; provided nevertheless that all vessels claiming the benefit of this order, shall be provided with a license from his majesty's minister at Lisbon or Cadiz, (who are hereby authorised and impowered to grant the same) permitting the shipments of such cargoes of lawful merchandize to be therein described, authorising the said ships and cargoes to return to any port of the United States of America, without molestation, in pursuance of the provision of this order, and the right honorable Viscount Castlereagh, one of his majesty's principal secretaries of state, and the judge of the high court of admiralty, are to take the necessary measures herein as to them may respectively appertain.

(Signed) JAMES BULLER.

THE CHRONICLE.

On the 18th Dec. a message was sent by the prince regent to the house of commons proposing a subsidy to Russia. Mr. *Whitbread* said it would be far more becoming to aid and assist their own people, for "*charity began at home.*" And sir Francis Burdett declared "that in the present state of affairs such a message was insulting to the people." At the request of the *chancellor of the exchequer*, the discussion was postponed.

Parliament was expected to adjourn on the 22nd December, to meet again on the 2nd of February.

The Austrian armies in Upper Hungary and Gallicia have been considerably augmented. The king of Naples, (Murat) commands the French and allied forces in Poland, &c. in the absence of the emperor, as his lieutenant.

Daniel D. Tompkins, esq. and general S. Van Rensselaer, are the rival candidates, in New York, and Joseph B. Varnum and Caleb Strong, esquires, in Massachusetts, for the gubernatorial office in these states.

A letter from St. Bartholomews says that the British have ordered licenses to all vessels (except *French*) to trade to and from the West Indies, as if no war existed!

A Baltimore schooner has arrived in the Delaware that sailed from *Bordeaux* on the 1st of Jan. On the 20th Dec. the emperor seated on his throne, surrounded by the princes, cardinals, &c. &c. received the homage of the senate with the speech of their president, to which he replied in his usual strain.

The senate of Pennsylvania have unanimously agreed to loan the United States half a million of dollars.

De Witt Clinton, esq. has been appointed mayor of New-York by the new council of appointment.

Our last accounts from Lisbon say that 150000 barrels of flour were afloat in the bay. The store-houses were also full. The price $15. A grand speculation, if paid for in British paper!

Picture of England, taken from an electioneering speech of Mr. Curran in Ireland in 1812.

"England has been flaring away in her wasteful and ruinous war—her allies no more—her enemies multiplied—her finances reduced to rags—her people depressed and discontent—her artizans reduced to the last ebb, and their discontents methodized into the most terrific combinations—her laborers without employment—her manufactures without a market."

THE WEEKLY REGISTER.

No. 26 of vol. III.] BALTIMORE, SATURDAY, February 27, 1813. [whole no. 78

Hæc olim meminisse juvabit.—Virgil.

Printed and published by H. Niles, South-st. next door to the Merchants' Coffee House, at $ 5 *per annum*.

George Washington,

TO THE PEOPLE OF THE UNITED STATES, ANNOUNCING HIS INTENTION OF RETIRING FROM PUBLIC SERVICE.

(Concluded from page 387.)

There is an opinion that parties in free countries are useful checks upon the administration of the government, and serve to keep alive the spirit of liberty. This, within certain limits, is probably true; and in governments of a monarchical cast, patriotism may look with indulgence, if not with favor, upon the spirit of party; but in those of a popular character, in governments purely elective, it is a spirit not to be encouraged; from their natural tendency, it is certain there will always be enough of that spirit for every salutary purpose: and there being constant danger of excess, the effort ought to be, by force of public opinion, to mitigate and assuage it. A fire not to be quenched; it demands an uniform vigilance to prevent its bursting into a flame, lest, instead of warming, it should consume.

It is important likewise, that the habit of thinking in a free country, should inspire caution in those entrusted with its administration to confine themselves within their respective constitutional spheres; avoiding, in the exercise of the powers of one department, to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments into one, and thus to create, whatever be the form of government, a real despotism. A just estimate of that love of power, and proneness to abuse it, which predominates in the human heart, is sufficient to satisfy us of the truth of this position. The necessity of reciprocal checks in the exercise of political power, by dividing and distributing it into different depositories, and constituting each the guardian of the public weal against invasions by the others, has been evinced by experiments ancient and modern; some of them in our own country and under our own eyes. To preserve them must be as necessary as to institute them. If, in the opinion of the people, the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment, in a way which the constitution designates. But let there be no change by usurpation; for though this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly over-balance, in permanent evil, any partial or transient benefit which the use can at any time yield.

Of all the dispositions and habits which lead to political prosperity, religion and morality are the indispensible supports. In vain would that man claim the tribute of patriotism, who should labor to subvert these great pillars of human happiness, these firmest props of the duties of men and citizens. The mere politician, equally with the pious man, ought to respect and to cherish them. A volume could not trace all their connexions with private and public felicity. Let it simply be asked, where is the security for property, for reputation, for life, if the sense of religious obligation desert the oaths, which are the instruments of investigation in courts of justice? And let us with caution indulge the supposition, that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect that national morality can prevail in exclusion of religious principle.

It is substantially true that virtue or morality is a necessary spring of popular government. The rule, indeed, extends with more or less force to every species of free government. Who that is a sincere friend to it can look with indifference upon attempts to shake the foundation of the fabric?

Promote, then, as an object of primary importance, institutions for the general diffusion of knowledge. In proportion as the structure of a government gives force to public opinion, it is essential that public opinion should be enlightened.

As a very important source of strength and security, cherish public credit. One method of preserving it is to use it as sparingly as possible; avoiding occasions of expense, by cultivating peace, but remembering also, that timely disbursements to prepare for danger frequently prevent much greater disbursements to repel it;—avoiding likewise the accumulation of debt, not only by shunning occasions of expense, but by vigorous exertions in the time of peace to discharge the debts which unavoidable wars may have occasioned, not ungenerously throwing upon posterity the burthen which we ourselves ought to bear. The execution of these maxims belongs to your representatives, but it is necessary that public opinion should co-operate. To facilitate to them the performance of their duty, it is essential that you should practically bear in mind, that towards the payment of debts there must be revenue; that to have revenue there must be taxes; that no taxes can be devised which are not more or less inconvenient and unpleasant; that the intrinsic embarrassment inseparable from the selection of the proper objects, which is always a choice of difficulties, ought to be a decisive motive for a candid construction of the conduct of the government in making it, and for a spirit of acquiescence in the measures for obtaining revenue which the public exigencies may at any time dictate.

Observe good faith and justice towards all nations, cultivate peace and harmony with all; religion and morality enjoin this conduct; and can it be that good policy does not equally enjoin it? It will be worthy of a free, enlightened, and, at no distant period, a great nation, to give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence. Who can doubt that in the course of time and things, the fruits of such a plan would richly repay any temporary advantages which might be lost by a steady adherence to it? Can it be, that Providence has not connected the permanent felicity of a nation with its virtue? The experiment, at least, is recommended by every sentiment which ennobles human nature. Alas! is it rendered impossible by its vices?

In the execution of such a plan, nothing is more essential than that permanent, inveterate antipathies against particular nations, and passionate attachments for others should be excluded; and that in place of them, just and amicable feelings towards all should be cultivated. The nation, which in-

dulges towards another an habitual hatred, or an habitual fondness, is in some degree a slave. It is a slave to its affection, either of which is sufficient to lead it astray from its duty and its interest. Antipathy in one nation against another, disposes each more readily to offer insult and injury, to lay hold of slight causes of umbrage; and to be haughty and intractable, when accidental or trifling occasions of dispute occur. Hence frequent collisions, obstinate, envenomed and bloody contests. The nation, prompted by ill-will and resentment, sometimes impels to war the government, contrary to the best calculations of policy. The government sometimes participates in the national propensity, and adopts, through passion, what reason would reject; at other times, it makes the animosity of the nation subservient to projects of hostility instigated by pride, ambition, and other sinister and pernicious motives. The peace often, sometimes perhaps the liberty, of nations has been the victim.

So likewise, a passionate attachment of one nation for another produces a variety of evils. Sympathy for the favorite nation, facilitating the illusion of an imaginary common interest, in cases where no real common interest exists, and infusing into one the enmities of the other betrays the former, into a participation in the quarrels and wars of the latter, without adequate inducement or justification. It leads also to the concession to the favorite nation of privileges denied to others, which is apt doubly to injure the nation making the concession; by unnecessarily parting with what ought to have been retained, and by exciting jealousy, ill-will, and a disposition to retaliate, in the parties from whom equal privileges are withheld: And it gives to ambitious, corrupted, or deluded citizens (who devote themselves to the favorite nation) facility to betray or sacrifice the interests of their own country without odium, and sometimes even with popularity; gilding with the appearance of a virtuous sense of obligation, a commendable deference for public opinion, or a laudable zeal for public good, the base or foolish compliances of ambition, corruption, or infatuation.

As avenues to foreign influence in innumerable ways, such attachments are particularly alarming to the truly enlightened and independent patriot. How many opportunities do they afford to tamper with domestic factions, to practice the arts of seduction, to mislead public opinion, to influence or awe the public councils! Such an attachment of a small or weak towards a great and powerful nation, dooms the former to be the satellite of the latter.

Against the insiduous wiles of foreign influence (I conjure you to believe me, fellow-citizens) the jealousy of a free people ought to be constantly awake; since history and experience prove that foreign influence is one of the most baneful foes of republican government. But that jealousy to be useful must be impartial, else it becomes the instrument of the very influence to be avoided, instead of defence against it. Excessive partiality for one foreign nation, and excessive dislike to another, cause those whom they actuate to see danger only on one side, and serve to veil, and even to second the arts of influence on the other. Real patriots, who may resist the intrigues of the favorite, are liable to become suspected and odious; while its tools and dupes usurp the applause and confidence of the people, to surrender their interests.

The great rule of conduct for us in regard to foreign nations, is in extending our commercial relations, to have with them as little political connexion as possible. So far as we have already formed engagements, let them be fulfilled with perfect good faith. Here let us stop.

Europe has a set of primary interests, which to us have none or a very remote relation. Hence, she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves, by artificial ties, in the ordinary vicissitudes of her politics, or the ordinary combinations and collisions of her friendships or enmities.

Our detached and distant situation invites and enables us to pursue a different course. If we remain one people, under an efficient government, the period is not far off, when we may defy material injury from external annoyance; when we take such an attitude as will cause the neutrality, we may at any time resolve upon, to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions by attacks upon us, will not lightly hazard the giving us provocation; when we may choose peace or war, as our interest, guided by justice, shall counsel.

Why forego the advantages of so peculiar a situation? Why quit our own, to stand on foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalship, interest, humor or caprice?

It is our true policy to steer clear of permanent alliances with any portion of the foreign world; so far, I mean, as we are now at liberty to do it; for let me not be understood as capable of patronizing infidelity to existing engagements. I hold the maxim no less applicable to public than to to private affairs, that honesty is always the best policy. I repeat it, therefore, let those engagements be observed in their genuine sense. But in my opinion, it is unnecessary, and would be unwise to extend them.

Taking care always to keep ourselves, by suitable establishments, on a respectable defensive posture, we may safely trust to temporary alliances for extraordinary emergencies.

Harmony, and liberal intercourse with all nations are recommended by policy, humanity, and interest. But even our commercial policy should hold an equal and impartial hand; neither seeking nor granting exclusive favors or preferences; consulting the natural course of things; diffusing and diversifying, by gentle means, the streams of commerce, but forcing nothing: establishing, with powers so disposed, in order to give trade a stable course, to define the rights of our merchants, and to enable the government to support them—conventional rules of intercourse, the best that present circumstances and mutual opinion will permit, but temporary, and liable to be from time to time, abandoned or varied, as experience and circumstances shall dictate; constantly keeping in view that it is folly in one nation to look for disinterested favors from another; that it must pay with a portion of its independence for whatever it may accept under that character;—that by such acceptance, it may place itself in the condition of having given equivalents for nominal favors, and yet of being reproached with ingratitude for not giving more. There can be no greater error than to expect or calculate upon real favors from nation to nation. It is an illusion which experience must cure—which a just pride ought to discard.

In offering to you, my countrymen, these counsels of an old and affectionate friend, I dare not hope they will make the strong and lasting impression I could wish; that they will controul the usual cur-

gent of the passions, or prevent our nation from running the course which has hitherto marked the destiny of nations: But if I may even flatter myself, that they may be productive of some partial benefit, some occasional good; that they may now and then recur to moderate the fury of party spirit, to warn against the mischiefs of foreign intrigue, to guard against the impostures of pretended patriotism; this hope will be a full recompense for the solicitude for your welfare, by which they have been dictated.

How far in the discharge of my official duties, I have been guided by the principles that have been delineated, the public records and other evidences of my conduct must witness to you and to the world. To myself, the assurance of my own conscience is, that I have at least believed myself to be guided by them.

In relation to the still subsisting war in Europe, my proclamation of the 22d of April, 1793, is the index to my plan. Sanctioned by your approving voice and by that of your representatives in both houses of congress, the spirit of that measure has continually governed me; uninfluenced by any attempts to deter or divert me from it.

After deliberate examination, with the aid of the best lights I could obtain, I was well satisfied that our country, under all the circumstances of the case, had a right to take, and was bound in duty and interest to take a neutral position. Having taken it, I determined, as far as should depend upon me, to maintain it with moderation, perseverance, and firmness.

The considerations which respect the right to hold this conduct, it is not necessary on this occasion to detail. I will only observe, that according to my understanding of the matter, that right so far from being denied by any of the belligerent powers, has been virtually admitted by all.

The duty of holding a neutral conduct may be inferred, without any thing more, from the obligation which justice and humanity impose on every nation, in cases in which it is free to act, to maintain inviolate the relations of peace and amity towards other nations.

The inducements of interest for observing that conduct will best be referred to your own reflections and experience. With me a predominant motive has been to endeavor to gain time to our country to settle and mature its yet recent institutions and to progress without interruption, to that degree of strength and consistency, which is necessary to give it, humanly speaking, the command of its own fortunes.

Though in reviewing the incidents of my administration, I am unconscious of intentional error, I am nevertheless too sensible of my defects not to think it probable that I may have committed many errors. Whatever they may be, I fervently beseech the Almighty to avert or mitigate the evils to which they may tend. I shall also carry with me the hope that my country will never cease to view them with indulgence; and that after forty-five years of my life dedicated to its service, with an upright zeal, the faults of incompetent abilities will be consigned to oblivion, as myself must soon be to the mansions of rest.

Relying on its kindness, in this as in other things, and actuated by that fervent love towards it which is so natural to a man who views in it the native soil of himself and his progenitors for several generations, I anticipate with pleasing expectation that retreat in which I promise myself to realize, without alloy, the sweet enjoyment of partaking, in the midst of my fellow-citizens, the benign influence of good laws under a free government—the ever favorite object of my heart, and the happy reward, as I trust, of our mutual cares, labors, and dangers.

GEO. WASHINGTON.

United States, 17th Sept. 1796.

Revolutionary Naval Force.

The following has been published as a correct list of the American navy, in the year 1776 and part of 1777.

NAMES.	GUNS.	CAPTAINS.
Hancock,	32,	Captain Manly.
Randolph,	32,	Biddle.
Raleigh,	32,	Tompson.
Washington,	32,	Reed.
Warren,	32,	Hopkins.
Virginia,	28,	Nicholson.
Trumbull,	28,	Saltonstal.
Effinham,	28,	Barry.
Congress,	28,	Grinnell.
Providence,	28,	Whipple.
Alfred,	28,	Hinman.
Boston,	24,	Mc'Neil.
Delaware,	24,	Alexander.
Montgomery,	24,	Hodge.
Reprisal,	16,	Wicker.
Lexington,	16,	Hallock.
Cabot,	16,	Almy.
Andrew Doria,	14,	Robinson.
Providence,	12,	Paul Jones.
Sachem,	10,	Robinson.
Independence,	10,	Young.
Argo,	10,	Hacker.
Resistance,	16,	Chew.
Hamden,	12,	Hacker.
Fly,	8,	Lieutenant Warner.
Wasp,	8,	Baldwin.
Hornet,	8,	Albertson.

The Army and Navy.

Superficial observers of men and things have been surprised at the general success that has attended our public ships and private armed vessels, when compared with the too common disasters of the land forces. In the war against *Tripoli*, a school was opened in which the genius of our seamen made wonderful progress; and hundreds and thousands of the *sailors*, by *impressment*, or some other means, are as fully conversant in the whole business of a sea-fight as any of their adversaries: and hence, with superior excitements to deeds of bravery, they have *always* conquered with any thing like an equality of force. But in the army, not one in five hundred (taking out those who fought at *Tippecanoe*) had seen the least *real* service; and the old men who had gained laurels *thirty* or *thirty-five* years ago, must necessarily have forgotten, in the lap of profound peace, the greater part of the knowledge they acquired in *very early* life. Theory, with a scientific knowledge of the art of war, are admirable requisites to the construction of a soldier; but of themselves will not suffice: experience being absolutely necessary to the good government of an army. Gen. *Mack*, famous for his surrender at *Ulm*, was accounted one of the greatest *tacticians* in *Europe*, in his day; but many hundreds of *French sergeants* were really his superiors in the *business of a battle*. Our enemy, whose military fame, however, is not of the highest grade, has powerful advantages in this respect over us, for of her troops in *America* a majority of the regulars have "seen some service," and many of them, indeed, are ranked as *veterans*. In a lit-

tle time we, also, shall learn how to fight on the land; and, as there are as brave spirits in the army as the navy can boast of, (and we gladly give our tars their full due) it cannot be doubted that as brilliant achievements are in store for this portion of the national force. So, indeed, it appeared already in every case where a fair chance was afforded them.

Of these matters, we ourselves do not pretend to have knowledge—but such are the opinions of those who ought to know something about them; and, as *reason* is on their side, we adopt them without hesitation.

United States' Sinking Fund.

REPORT OF THE COMMISSIONERS OF THE SINKING FUND.

The commissioners of the Sinking Fund report to congress as follows:

"That the measures which have been authorised by the board subsequent to their last report of the 5th February, 1812. So far as the same have been completed are fully detailed in the report of the secretary of the treasury to the board, herewith accompanying and which is asked to be received as part of their report.

(Signed by) WM H. CRAWFORD,
President of the Senate pro tempore.
J. MARSHALL,
Chief Justice of the United States.
JAMES MONROE,
Secretary of State.
ALBERT GALLATIN,
Secretary of the Treasury.

The Secretary of the Treasury respectfully reports to the Commissioners of the Sinking Fund:

That the balance of monies advanced on account of the public debt, remaining unexpended at the close of the year 1810, and applicable to payments falling due after that year, amounted to	Dolls.	493,174 17
Together with the sums disbursed from the treasury during the year 1811, on account of the principal and interest of the public debt, which sums amounted to eight millions one hundred and forty-eight thousand and ninety-five dollars,		8,148,995
Together with a further sum arising from profit in exchange on remittances from America to Europe, purchased during the year 1811, amounting to fifty-six thousand seven hundred and twenty-six dollars, fourteen cents,		56,726 14
And with the further sum of 4,900l. sterling in bills taken in payment of the principal of an equal sum of protested bills, and equal at par to		21,777 78
And amounting together to the sum of eight millions seven hundred and nineteen thousand seven hundred and seventy three dollars nine cents		8,719,773 09

Have been accounted for in the following manner:

I. There was repaid into the treasury during the year 1811, on account of the principal of monies heretofore advanced for the payment of public debt, including the amount of sundry bills of exchange, received in lieu of others previously purchased, which had been protested, the sum of one hundred and sixty-eight thousand four hundred and forty-four dollars forty-five cents,		168,444 45
II. The sums actually applied during the same year to the payment of the principal and interest of the public debt, as ascertained by accounts rendered to the treasury department, amounted to eight millions and forty-eight thousand eight hundred and fourteen dollars seventy-nine cents, viz.		
1. Paid in reimbursement of the principal of the public debt	5,543,606 39	
2. Paid on account of the interest and charges on the same,	2,505,208 40	
		8,048,814 79
III. The balance remaining unexpended at the close of the year 1811, and applicable to payments falling due after that year, as ascertained by accounts rendered to the treasury department, amounted to five hundred and two thousand five hundred and thirteen dollars eighty-five cents,		502,513 85
Dollars,		8,719,773 09

That during the year 1812, the following disbursements were made out of the treasury, on account of the principal and interest of the public debt, viz.

I. On account of the interest and reimbursement of the domestic funded debt,	3,345,117 34	
II. On account of the domestic unfunded debt,	915 04	
and of the debt due to foreign officers,	1,444 17	
		2,359 21
III. On account of the interest on Louisiana stock, and on converted stock payable in Europe		627,051 64
Amounting together, to four millions four hundred and seventy-four thousand five hundred and fifty-eight dollars nineteen cents,		4,474,558 19

Which disbursements were made out of the following funds, viz.

I. From the funds constituting the annual appropriation of eight millions of dollars, for the year 1812, viz.		
From the fund arising from the interest on the debt transferred to the commissioners of the sinking fund,	1,899,125 22	
From the fund arising from the sale of public lands, being the amount received into the treasury from 1st October, 1811, to 30th September, 1812	822,599 64	
From the proceeds of duties on goods wares and merchandize imported, and on the tonnage of vessels,	1,727,905 03	
Amounting together to		4,449,630 89
Which sum of	4,449,630 89	
being deducted from the annual appropriation of	8,000,000	
leaves an unexpended balance to be applied during the year 1813, in addition to the appropriation for that year of	3,550,369 11	
II. From re-payments into the treasury on account of monies heretofore advanced for the payment of dividends on the domestic funded and unfunded debts,		24,927 30
		4,474,558 19
The above mentioned disbursements, together with the above stated balance which remained unexpended at the close of the year 1811, of		502,513 85
And together with the further sum arising from profit on remittances from America to Europe, purchased during the year 1812, and amounting to		91,532 88
Making together five millions and sixty-eight thousand six hundred and four dollars ninety-two cents,		5,068,604 92

Will be accounted for in the next annual report, in conformity with the accounts which shall then have been rendered to the treasury department.

That in the meanwhile, the manner in which the said sum has been applied is estimated as followeth:

I. The re-payments into the treasury on account of the principal of monies advanced for the payment of dividends on the domestic funded and unfunded debt have during the year 1812, amounted as before stated to		24,927 30
II. The sums actually applied during the year 1812, to the principal and interest of the public debt are estimated as follows:		
1. Paid in reimbursement of the principal of the public debt,	2,262,690 01	
2. Paid on account of interest and charges on the public debt,	2,422,060 14	
		4,684,750 15
III. The balance which remained unexpended at the close of the year 1812, and applicable to payments falling due after that year is estimated at		358,937 47
Dollars,		5,068,604 92

That in conformity with the resolution of the commissioners of the sinking fund of the 19th of June 1812, the residue of the converted stock was reimbursed at the close of the year 1812; and that in conformity with the resolution of the said commissioners, of the 6th July, 1812, 179,300 dollars of Louisiana domestic six per cent. stock, 14,000 dollars (nominal) of deferred six per cent. stock and fifty-seven thousand dollars of six per cent. stock of 1812, have been purchased previous to the thirty-first of December, 1812, having cost together 242,847 39. A statement also accompanies this report, which exhibits the amount of stock transferred to the commissioners of the sinking fund, and to the treasurer of the United States, in trust for said states, and standing on the books of the treasury on the 31st December, 1812, no stock having been transferred in payment for lands during the year 1812.

(Signed by) ALBERT GALLATIN,
Secretary of the Treasury.

Treasury Department, February 5th, 1812.

Accompanying this report were a number of statements, all of which are sufficiently explained by the details of the report, except the one mentioned in the last clause, of which the following is a transcript.

A GENERAL STATEMENT of the several Stocks transferred to the United States to the 31st of December, 1812, the interest of which by existing laws is appropriated for the redemption of the Public Debt.

	Old six per cent.	Three p. cent.	Deferred 6 per cent.	Five p. cent.	Five and a half p. cent.	Four and a half per cent.	Four p. cent.	Navy 6 per cent.	Eight per cent.	Exchanged six per cent.	Converted six p. cent.	Louisiana six p. cent.	Six per cent of 1812.	Am't. of the several species of stock.
Reimburse't. of foreign debt to Dec. 31, 1809	-	-	-	8,200,000	-	820,000	3,180,000	-	-	-	-	-	-	12200000
of navy 6 per cent. stock . . .	-	-	-	-	-	-	-	711700	-	-	-	-	-	711700
of the 5 1-2 per cent. stock . . .	-	-	-	-	1,751,742	-	-	-	-	-	-	-	-	1751742
of the 4 1-2 per cent. stock . .	-	-	-	-	-	176,000	-	-	-	-	-	-	-	176000
of the 8 per cent. stock . . .	-	-	-	-	-	-	-	-	5,302,900	-	-	-	-	5302900
of the exchanged 6 per cent stock	-	-	-	-	-	-	-	-	-	5,993,342	-	-	-	5993342
of the converted 6 per cent stock	-	-	-	-	-	-	-	-	-	-	1859770	-	-	1859770
Purchased with monies received on account of surplus of duties to end of year 1790	439,016	401,072	631,786	-	-	-	-	-	-	-	-	-	-	1471875
on acc't of loan of 2000000$ of Aug. 12, 1790	353,604	31,731	137,588	-	-	-	-	-	-	-	-	-	-	522925
out of the interest fund or applied therefrom	140,588	79,055	132,625	-	95,757	-	-	-	-	-	-	179300	57000	684326
out of monies arising from imports and tonnage and from public lands	-	-	-	-	-	-	-	-	1,056,700	300,007	-	-	-	1356707
In payment for lands sold under acts congress	65,308	85,877	20,968	-	1,400	-	-	-	122,900	700	80	-	-	297235
for land on lake Erie sold to Pennsylvania	60,449	60,718	30,224	-	-	-	-	-	-	-	-	-	-	151392
of certain balances which originated prior to the constitution	7,220	7,187	16,936	-	-	-	-	-	-	-	-	-	-	31344
In payment of commutation of certain military officers placed on the pension list	14,934	10,472	7,467	-	-	-	-	-	-	-	-	-	-	32873
In discharge of debts due to foreign officers	186,988	22,438	-	-	-	-	-	-	-	-	-	-	-	209426
of the registered debt per act June 12, 1798	86,566	-	-	-	-	-	-	-	-	-	-	-	-	86566
of loan office and final settlement certificates per same act	55,888	-	27,581	-	-	-	-	-	-	-	-	-	-	83470
Stock arising from specie, paid for service and supplies to 4th March, 1789	515,460	-	-	-	-	-	-	-	-	-	-	-	-	515460
Unapplied of 660,000$ 6 per cent. stock remitted on acc't of the Dutch debt in 1795	20,000	-	-	-	-	-	-	-	-	-	-	-	-	20000
TOTAL am't to the credit of commissioners of the Sinking Fund on 31st Dec. 1812.	1,946,026	698,555	1,005,179	8,200,000	1,848,900	996,000	3,180,000	711700	6,482,500	6,294,051	1859850	179300	57000	33459063

The nominal amount of the above species of stock, transferred to the 31st Dec. 1811, as stated in the preceding annual report, was . . $32,643,445

ADDITIONAL FOR 1812.—Converted six per cent. stock on interest from 1st Jan. 1813 565,318

Louisiana six per cent. stock on interest from 1st July 1812 65,500

Ditto Ditto 1st Oct. 1812 8,000

Ditto Ditto 1st Jan. 1813 105,880

179,300

Six per cent stock of 1812, on interest from 1st Oct. 1812 57,000

Deferred six per cent Ditto 14,000

815,618

As above stated $33,459,063

Proceedings of Congress.

IN SENATE—THURSDAY, FEB. 18.

The bill vesting in the President of the United States the power of retaliation in certain cases therein specified, was read a third time, and passed by yeas and nays as follows:

YEAS—Messrs. Brent, Campbell of O. Campbell of Ten. Crawford, Franklin, Gaillard, Howell, Leib, Magruder, Reed, Robinson, Smith, of N. Y. Tait, Taylor, Turner, Varnum, Worthington—17.

NAYS—Messrs. Dana, Gilman, Goodrich, Lambert—4.

The resolution to amend the constitution of the United States, as proposed by North Carolina, was read the third time and passed as follows:

YEAS—Messrs. Bayard, Bibb, Brent, Brown, Campbell of O. Campbell of Ten. Crawford, Cutts, Franklin, Gaillard, Giles, Howell, Lambert, Leib, Pope, Reed, Robinson, Smith of Md. Smith of N. Y. Turner, Varnum, Worthington—22.

NAYS—Messrs—Dana, German, Gilman, Goodrich, Gregg, Horsey, Lloyd, Tait, Taylor—9.

Monday, February 22.—The bill concerning seamen and vessels of the United States, was read a third time and passed.

The treasury note bill was read a third time and passed by yeas and nays as follows:

YEAS—Messrs. Bibb, Brent, Brown, Campbell of O. Campbell of Ten. Crawford, Cutts, Franklin, Gaillard, Gregg, Howell, Robinson, Smith of N. Y. Tait, Taylor, Turner, Varnum, Worthington—18.

NAYS—Messrs. Bayard, Bradley, Giles, Gilman, Goodrich, Hunter, Lambert, Lloyd, Reed—9.

HOUSE OF REPRESENTATIVES.

Thursday, February 18.—The engrossed bill making the usual appropriations for the support of government for the year 1813, was read a third time and passed.

The house proceeded to consider the bill for the encouragement of private armed vessels, and after some time spent therein ordered it to be engrossed for a third reading,

The bill from the senate vesting the President of the United States with the power of retaliation in certain cases, was twice read and referred to the committee of foreign relations.

On motion of Mr. Cheves, the house went into a committee of the whole, Mr. Alston in the chair, on the bill regulating foreign coins.

☞[The bill provides that all foreign gold and silver coins shall be a legal tender, and fixes the value thereof, and limits the operation of the act to five years.]

The bill passed through the committee of the whole, was reported to the house and ordered to be engrossed and read a third time.

Friday, February 1.—Mr. *Grundy* submitted the following resolution:

"*Resolved*, That it is expedient that the thirteenth congress should assemble on the last Monday in May next, and that a committee be appointed to bring in a bill providing therefor."

On this resolution considerable debate ensued; it was supported and opposed on various grounds, and finally rejected, as follows:

YEAS—Messrs. Alston, Anderson, Archer, Avery, Bacon, Bard, Barnett, Bibb, Blackledge, Brigham, Champion, Clay, Clopton, Condit, Crawford, Davis, Dawson, Findley, Fisk, Franklin, Gholson, Goodwyn, Grundy, B. Hall, Hawes, Hyneman, Little, Lowndes, Lyle, Macon, M'Coy, M'Kim, Morgan, Morrow, Newton, Ormsby, Pickens, Piper, Pleasants, Pond, Reed, Richardson, Rhea, Roane, Robertson, Sevier, Taliaferro, Troup, Turner, Whitehill, Williams, Winn—53.

NAYS—Messrs. Baker, Bigelow, Bleecker, Boyd, Brown, Burwell, Butler, Calhoun, Carr, Cheves, Chittenden, Cochran, Cutts, Davenport, Desha, Dinsmoor, Earle, Ely, Emott, Fitch, Gold, Goldsborough, Gray, Green, Grosvenor, O. Hall, Harper, Hufty, Jackson, Johnson, Kennedy, Kent, Lacock, Law, Lewis, M'Bride, Milnor, Mitchell, Moseley, Nelson, New, Newbold, Pearson, Pitkin, Potter, Quincy, Randolph, Roberts, Rodman, Sage, Sammons, Sawyer, Seaver, Shaw, Sheffey, G. Smith, J. Smith, Stanford, Stuart, Stow, Sturges, Tallmadge, Tallman, Tracy, Van Cortland, Wheaton, White, Widgery, Wilson, Wright—70.

Saturday, Feb. 20.—On motion of Mr. *Cheves*, the house resolved itself into a committee of the whole, Mr. Nelson in the chair, on the bill partially to suspend the non-importation acts, and to lay additional duties on foreign tonnage.

Messrs. Cheves, Bibb, and Roberts, spoke in faver of the bill, and Messrs. Wright and Potter against it.

Mr. *Wright* moved to strike out the first section of the bill, which contains the principle of the bill.

The question was taken on Mr. Wright's motion and carried.

For striking out	63
Against it	23

A motion was then made that the committee rise and report progress.—Carried.

The bill was reported to the house as amended, and the question of concurring with the committee in striking out the first section was decided by yeas and nays, 79 to 24, as follows:

YEAS—Messrs. Anderson, Archer, Bacon, Baker, Bard, Bigelow, Bleecker, Boyd, Breckenridge, Brigham, Brown, Burwell, Butler, Champion, Chittenden, Clay, Clopton, Crawford, Cutts, Davenport, Dawson, Desha, Earle, Ely, Emott, Fitch, Franklin, Gholson, Gold, Goodwyn, Green, Grosvenor, Hawes, Hufty, Jackson, Kent, Key, King, Lacock, Law, Lewis, Little, Lowndes, Lyle, Moore, M'Kim, Metcalf, Mitchell, Morgan, Moseley, Nelson, Newbold, Newton, Ormsby, Piper, Pond, Porter, Potter, Quincy, Reed, Richardson, Roane, Sage, Sammons, Seaver, Seybert, Shaw, Stanford, Sturges, Taggart, Taliaferro, Tallmadge, Tallman, Turner, Wheaton, White, Whitehill, Wilson, Wright—79.

NAYS—Messrs. Alston, Barnett, Bibb, Blackledge, Calhoun, Cheves, Cochran, Condit, Davis, Findley, Grundy, B. Hall, Harper, Hyneman, Johnson, Kennedy, M'Kee, Morrow, Pickens, Rhea, Roberts, Robertson, G. Smith, Strong—24.

Mr. *Wright* moved to recommit the bill to the committee of ways and means.—Motion lost.

The 2d, 3d, and 4th sections of the bill, being connected with and depending upon the 1st section, of course fell with it.

Mr. *Bibb* moved that the 8th section which limits the operation of the bill to the 1st day of January next, be striken out.

Before the question on Mr. Bibb's motion was decided, a motion was made to adjourn and carried—half past 4 o'clock.

Monday, February 22.—Mr. *Cheves* reported a bill making appropriations for the support of the military establishment and of the militia in the actual service of the United States for the year 1813; which was twice read and committed.

Mr. *Tallman* offered the following resolution for consideration, which was ordered to lie on the table:

"*Resolved*, that the committee of naval affairs be instructed to bring in a bill for the benefit of the officers and crew of the frigate Constitution, granting to them a sum not less than 100,000 dollars as a reward for their gallantry in their late naval victory."

Mr. *Grundy* offered a resolution to the following ing effect, which after the rejection of a motion to lay it on the table, was agreed to by a large majority:

"*Resolved*, that a committee be appointed to enquire into the expediency of providing by law for an earlier day for the next meeting of congress than that fixed by the constitution."

Mr. *M'Kim* said that the house had been told that in consequence of the rejection of the bill for suspending the non-importation act, it would be absolutely necessary, in the course of the remainder of this short session, to devise a system of internal taxation for the support of the government. Under this view of the subject, he had turned his attention to the best subjects for taxation. At the last session a system had been introduced into the house, calculated to produce a revenue of something less than six millions of dollars. He had drawn up a resolution, the object of which was to lay a tax on distilled spirits. From the returns of the quantity distilled in the United States, it appeared that a du-

ty of 25 cents per gallon could produce a larger revenue than the whole of the 13 tax bills last session reported by the committee of ways and means. The advantage of a tax of this description over a direct tax or other taxes would, he said, be obvious; and he was persuaded that there was time enough to introduce and mature a bill for that purpose. To bring this subject before the house, he offered the following resolution:

"*Resolved*, that the committee of ways and means be instructed to report a bill to impose a duty on all spirituous liquors distilled in the United States, not to exceed an average of 25 cents per gallon, according to the degree of proof thereof."

The house having agreed to consider the resolution—

[Messrs. *Wright* and *Quincy* supported, and Messrs. *Johnson*, *Grundy*, *Findley* and *M'Kee* opposed the resolution. In favor of it, it was said that it would equalize the burthens of the whole people; and against it observed that it would fall exclusively on the agriculturalists. Mr. Cheves had no objection to its forming a part of a system.]

The question was then taken by yeas and nays on this proposition, and decided as follows:

YEAS—Messrs. Bacon, Bigelow, Blackledge, Bleecker, Brigham, Burwell, Carr, Chittenden, Condit, Cutts, Davenport, Dinsmoor, Ely, Fitch, Gholson, Gold, Goodwyn, Green, Grosvenor, O. Hall, Hawes, Hufty, Jackson, Little, M'Kim, Mitchell, Morgan, Nelson, Nebold, Pond, Potter, Quincy, Richardson, Sawyer, Seaver, Shaw, Stow, Strong, Tallmadge, Tallman; Van Cortlandt, Wheaton, White, Whitehill, Williams, Wright—46.

NAYS—Messrs. Alston, Anderson, Archer, Avery, Baker, Bard, Barnett, Bassett, Bibb, Brown, Butler, Calhoun, Champion, Cheves, Clay, Cochran, Clopton, Crawford, Davis, Dawson, Desha, Earle, Emott, Findley, Franklin, Goldsborough, Gray, Grundy, B, Hall, Hyneman, Johnson, Kennedy, Kent, Key, King, Lacock, Law, Lewis, Lowndes, Lyle, Moore, M'Coy, M'Kee, Metcalf, Milnor, Morrow, Mosely, New, Newton, Ormsby, Pearson, Pickens, Piper, Pleasants, Porter, Ringgold, Rhea, Roane, Roberts, Robertson, Rodman, Sage, Sevier, Seybert, J. Smith, Standford, Stuart, Sturges, Sullivan, Talliaferro, Tracy, Troup, Turner, Wilson, Winn—75.

So the motion was negatived

The house resumed the consideration of the unfinished business, viz. the remnant of the bill lately referred to the committee of ways and means.

The motion pending on the last adjournment, was, to strike out the 5th section, which prohibits the judges of the United States from giving up property under judicature, on the owner's giving bonds for refunding its value.

After considerable desultory debate, the motion to strike out the section was negatived.

For striking out the section	44
Against it	73

Mr. *Milnor* then moved to strike out the section of the bill which provides for laying an additional duty on foreign tonnage, and supported his motion in a speech of considerable length; to which Mr. Roberts, Mr. Bibb and Mr. M'Kim replied.

The motion was negatived by a large majority.

On motion of Mr. *Milnor*, a new section was added to the bill, limiting its duration to the continuance of the war.

The bill was ordered to be engrossed for a third reading, as amended, embracing in this form merely the provision for enforcing the non-importation act, and the duty on foreign tonnage, yeas 67, nays 45.

NAVAL HEROISM.

The following message was received from the President of the United States:

To the senate and house of representatives of the U. S.

I lay before congress a letter with accompanying documents from capt. Bainbridge now commanding the United States frigate the Constitution, reporting his capture and destruction of the British frigate "the Java." The circumstances and the issue of this combat afford another example of the professional skill and heroic spirit, which prevail in our naval service. The signal display of both by capt. Bainbridge, his officers and crew, command the highest praise.

This being a second instance in which the condition of the captured ship, by rendering it impossible to get her into port, has barred a contemplated reward of successful valor, I recommend to the consideration of congress the equity and propriety of a general provision allowing, in such cases, both past and further, a fair proportion of the value which would accrue to the captors, on the safe arrival and sale of the prize.

JAMES MADISON.

February 22, 1813.

[For the "letter and documents" alluded to, see "events of the war," page 410.]

On motion of Mr. *Newton*, the house resolved itself into a committee of the whole, Mr. Pickens in the chair, on the bill to prohibit any vessel of the U. States from trading under any pass or license from a foreign power.

The bill received several amendments in committee; but the committee rose without having gone through the same, and obtained leave to sit again.

Tuesday, Feb. 23.—Mr. *Seybert* presented a memorial from sundry naturalized citizens of Pennsylvania on the subject of the prince regent's proclamation relative to British subjects naturalized by the United States, and praying congress to make some provision on the subject. Referred to a committee of the whole house with the retaliation bill.

Mr. *Cheves* reported the treasury note bill, with the amendments of the senate thereto, to which the committee had made no amendment. The house concurred with the amendments.

Mr. *Gholson* from the committee of claims to whom was referred the resolution on the subject for making further provision for the militia that may be called out, reported that any other provision was inexpedient, which was concurred in by the house.

Mr. *Bassett* from the naval committee reported a bill to compensate captains Hull, Bainbridge and others, read twice and referred to a committee of the whole house for this day.

The following engrossed bills were read a third time and passed.

The bill for continuing the Mediterranean fund.

The bill providing an uniform mode of naturalization throughout the United States.

The bill for altering the time for holding district courts of the United States, for Virginia and New-York.

An engrossed bill forbidding the restoration of goods, wares, and merchandize, was read a third time.—[This is the fragment of the bill for suspending the non-importation law, after the cutting out of the four first sections.]

Mr. *Gold* opposed the passage of the bill, and moved to recommit it, but the motion was negatived by a majority of 20, and the bill passed.

The house in committee of the whole Mr. Lewis in the chair, took up the bill for compensating captains Hull, Bainbridge and others. A short discussion took place on the bill, when the blanks were filled with the words "one hundred thousand dollars," and the bill ordered to be engrossed for a third reading to-morrow.

[The house (in committee of the whole) spent some time in considering the bill for altering the time of the next meeting of congress, but come to no conclusion.]

Wednesday, Feb. 24.—After other business—

The bill for remunerating captains Hull and Bainbridge and others, was read a third time and passed by a majority of 22. There being 61 for, 39 against it.

The house being resolved into a committee of the

whole, again resumed the consideration of the bill for calling an extra session of congress.

After considerable discussion, the 4th Monday in May was fixed upon—the bill for that purpose finally *passed*, 76 to 33.

Events of the War.

Department of State, February 23.

Alien enemies residing or being within forty miles of tide water, are required forthwith to apply to the marshals of the states or territories in which they respectively are, for passports to retire to such places beyond that distance from tide water as may be designated by the marshals. This regulation, however, is not to be put in force without special notice against such alien enemies not engaged in commerce as were settled previously to the declaration of war in their present abode or are there pursuing some regular and lawful occupation unconnected with commerce, and who obtain, monthly, from the marshal of the district in which they reside, permission to remain where they are.

BOSTON, Feb. 20.—The following was posted up in the custom-house in this town yesterday: "No vessel will be permitted to leave this port for any port or place in the United States, or elsewhere, until the master has exhibited to the collector, a list of the passengers and crew of said vessel, and designating each by his name, the place of his birth and residence. The object of the above resolution is to prevent Aliens from travelling in the United States without passports, which will be furnished by the collector, agreeably to instructions from the secretary of the treasury."

MILITARY.

A letter to the editor of the Register from *Chilicothe*, dated the 17th inst. informs, that gen. *Harrison's* head-quarters were at the Rapids, at the latest account they had of him. Nearly the whole of the troops arrived with him; the greater part of the artillery was also there, and the remainder only 20 miles in the rear, moving onwards. The general had taken a strong position, fortified his camp and planted his artillery. The term of service of two brigades of *Ohio* militia having expired, it is intimated he may wait for reinforcements, from that state and *Kentucky*, now on the way to join him. From all that we see of *Harrison* we trust he will put in a good claim to the brilliant title the people of the country he is in delight to give him—"*The Washington of the West.*" It is stated that three persons sent by him with a flag of truce to the officer commanding the enemy have been murdered.

From the accounts we have of the success of the recruiting service in all parts of the United States, there are the strongest reasons to believe a number of regulars sufficient for all the purposes required will be had by the time they are wanted. Various detachments are about to proceed to the *Niagara* frontier, with a view, no doubt, to co-operate with general *Harrison*.

Previous to their adjournment, the legislature of *Kentucky*, authorised governor Shelby, to raise an army of three thousand men, and to take the field and command it in person.

A regiment of 1000 men, is allotted by the government of the United States to aid in the defence of the sea-coast of Virginia.

The general assembly of Virginia have passed an act to raise 8 companies of infantry, 2 of artillery, 1 of cavalry, and 1 of riflemen, in the whole about 1000 men, to be commanded by one col. one lieut. col. one major, to serve in the commonwealth alone. They are to be enlisted to serve during the war, to receive $20 bounty, and $8 per month—they have also authorised the expenditure of $50,000 for munitions of war, and directed the formation of two *depots*, one at *Richmond* and the other near *Norfolk*.

BRITISH HUMANITY, *Juggernaut "religion"* and *Spanish "liberty"*—or, in other words, a SHOCKING BARBARITY, such as *Englishmen*, cold blooded wretches, alone have ever *permitted* in civilized war. It freezes us with horror; and calls aloud for vengeance on the *allied assassins*. A terrible retribution is in store for the base and cowardly *murderers* of the wounded.

Extract of a letter from col. Porter, commanding at Niagara, to gen. Dearborn.

"The arrival of several of gen. Winchester's officers at Buffalo, last evening, confirms the late reports of that general, and his little army, having been killed or captured. Those officers state that such was the hellish ferocity of the savages after the battle, that *every person, who by wound or otherwise, was incapable of marching, was instantly and indiscriminately butchered* by them!!! The general and the remainder of his troops are now crossing at Fort Niagara. The field officers are refused their parole."

Extract of a letter from Black-Rock, Feb. 10, 1813.

We are quite inactive—merely guarding the shore—every officer is anxious to cross—as it is well ascertained the enemy have not more than from 250 to 300 men opposite this—and very few below. [It is presumed the *British* have been marched off to oppose *Harrison*.]

Important news (says the *New-York Gazette*) may soon be expected from the northward—as a letter from an officer, at Buffalo, to his friend here, dated the 13th inst. states that our army was to cross over to Canada in a night or two from that date. There are 1500 regulars at Buffalo.

NASHVILLE, Jan. 12.

On Sunday last the volunteers (2000 men) who were rendezvoused near this place, descended the Cumberland for New-Orleans. We understand the cavalry have moved also. They go by land.

ST. LOUIS, (M. T.) Dec. 12.

Clemency.—When gov. Edwards and col. Russell surprised the Kickapoo town, and during the pursuit of those savages, who had so lately imbrued their hands in the blood of our unoffending women and children: the brave militia disdained to shoot or cut down the Indian women and children who ran and squatted in hundreds amongst the long grass in the prairie. A friend of ours who was on that expedition, says, "when our men found six white scalps in one of the Indian houses, and recognized them to belong to O'Neil's wife and children, they were on the verge of retaliation, but more generous feelings gave place to revenge, and only one squaw was put to death.

Extract of a letter from Ogdensburg, dated Feb. 7.

Last evening capt. Forsyth, commandant at this post, left this village with about 200 volunteers, part from his own company, part from capt. Lydle's volunteers, and the remainder citizens, among whom were col. Benedict and other gentlemen of distinction. The detachment proceeded in sleighs up the river to Morristown, where they formed, and at 3 o'clock this morning crossed over to Elizabethtown, surprised the guard, took 52 prisoners, among whom were major Carley, 3 captains and 2 lieutenants, also 120 muskets, 20 rifles, 2 casks fixed ammunition, &c. but no private property was either taken or destroyed. All was effected without the loss of a single man.

Capt. Forsyth was led to this enterprise by the repeated aggressions of the British guards, who had been in the habit of crossing the river a few miles above this place, and taking the deserters, 16 of whom they had in the jail at Elizabethtown, threatened with being shot. Capt. F. being informed of this, determined to effect their liberation, in which he succeeded. One prisoner confined in the jail for murder he declined taking. Capt. F. speaks of the conduct of the officers and men in the highest terms of approbation. Two British officers from Prescott came over a few hours after the return of our troops with the prisoners, to effect their release. I understand they are all parolled, and are to return again to Canada this evening.

The movement of the troops on the other side indicating an attack on this place, col. Benedict was induced to call out his regiment of militia, so that we have now in Ogdensburg about 800 men; and should an attack be made from Prescott, I have the fullest confidence in our success. Indeed, from the high tone of our troops, it is difficult to restrain their ardor; and should they not be attacked from the other side within a few days, I should not be surprised were they to go over there.

FROM THE MONTREAL COURANT OF FEB. 6.

English accounts of the defeat of General Winchester.

GLORIOUS NEWS!—Last evening major Evans arrived from Niagara, who brought with him the official accounts of a glorious victory, obtained by col. Proctor over the army of gen. Winchester, on the 22d of January at the river Raisin. The following particulars we understand are correct. Col. Proctor, who commanded at Detroit, received advice on the 19th January, that gen. Winchester had advanced with eleven hundred men as far as the river Raisin, about 20 miles distant, on his way to attack Detroit. Col. Proctor took the resolution of going out with as many of the garrison to attack him, as he could spare. On the night of the 21st, he discovered gen. Winchester and his army in the village of Raisin, and at day-light on the 22d the attack commenced. The Americans were lodged in houses in the village, some of which were stockaded; however, after a bloody conflict the whole American army, with their general, were killed or taken. From the nature of the attack and the means the enemy had of defending themselves, col. Proctor's loss was great, it consisted of 182 killed and wounded, of whom 26 were killed, 2 officers were mortally wounded, 3 or 4 others slightly. Col. Proctor's force consisted of 300 regulars, 150 militia and some Indians.

We also hear that gen. Harrison with his division of the army, were within 5 or 6 days days march of gen. Winchester, in a starving condition surrounded by Indians.

Niagara, January 30, 1813.

SIR—Major Evans is just dispatched by the commanding officer, with the glorious intelligence of the entire destruction of another army.—Gen. Winchester with the remnant of his army amounting to upwards of 500 men, are prisoners of war to the brave 41st regiment and Upper Canada militia. In this business the bravery of every person engaged was most conspicuous, and great credit is due to the judgment and prompt decision of col. Proctor.

Our loss is great, about 27 killed and 155 wounded, including regulars and militia. Among the latter are col. St. George, capt. Tallon, and lieut. Clemon, of the 41st, capt. Mills, late of the schooner Nancy, and Mr. Gordon, of Amherstburg. The victory, however, is most complete, the number of the enemy killed being upwards of 500, and the prisoners are equal to the force we had engaged. The battle was fought at about 20 miles from Detroit, river au Raisin, on the 22d inst.

Joy unalloyed pervades all ranks here, and we are ready for another opportunity to convince the enemy, that he has no trifling difficulties to encounter before he conquers Upper Canada.

FROM THE MONTREAL HERALD OF FEB. 6.

Defeat of Gen. Winchester.—An attack was made on the 22d January on the American troops under the command of brigadier gen. Winchester by col. Proctor, at Frenchtown on the river Raisin, about 26 miles from Detroit. The enemy's force 1100, that of col. Proctor about 300 troops of the line and sailors, and 600 Indians.

RETURN OF PRISONERS TAKEN.

1 brigadier general, 1 colonel, 1 major, 9 captains, 6 lieutenants, 10 ensigns, 1 brigade major, 1 adjutant, 1 quarter master, 2 surgeons, 27 serjeants, 435 rank and file—total 493.

After the battle great numbers of more prisoners were bringing in by the Indians. They took another army, viz. 500 large hogs from Kentucky, and killed 100 men that had them in charge.

A large body of Americans are advancing towards Chicago, on lake Michigan, and the Indian chief Murpolot with 2000 Indians from the Mississippi, have gone against them.

We hear that gen. Harrison with his division of the army were within 5 or 6 days march of general Winchester in a starving condition and surrounded by Indians.

FORT GEORGE, 30th Jan. 1813.

Lieut. M'Clean, of the 41st arrived here yesterday with despatches for Quebec, from Amherstburg, bringing an official account of the capture of general Winchester's army, consisting of 30 officers and 552 men! exclusively of this number it is supposed that nearly 500 fell in the field of battle.

Colonel Proctor having received intelligence of the approach of brigadier general Winchester on the 18th inst. immediately assembled as large a force as his means would admit of, and proceeded against him. On finding him in possession of the village on the river Raisin, called Frenchman's town, about 26 miles from Detroit, he made immediate arrangements for attacking him in his strong position, which was gallantly carried at the point of the bayonet, after a determined resistance of an hour and a half.

This brilliant achievment has not been effected without a very serious loss on our part. Our killed amounts to 24 and wounded 158, two thirds of the latter of the 41st regiment—no officer among the former killed; but several are severely and I fear dangerously wounded.—Lieut. col. St. George, who led the attack, received four wounds, captain Tallan, and lieutenant Clemon, 41st; lieut. Troughton, R. A.—ensigns Kerr and Newfleds, lieutenants Rolette and Irvine; Mr. Richardson marine department, captain Mills, lieutenant M'Cormick, and lieutenant James Gordon, Essex militia, wounded.

All did their duty, the Indians behaved nobly, and the instant the enemy submitted, their forbearance, as on former occasions, was strikingly conspicuous—general Winchester is prisoner.

BUFFALOE, Feb. 9.

From deserters who have crossed from Canada since our last, we learn that the battle was fought between a detachment of Winchester's army and 300 British regulars and 8 or 900 hundred Indians. The British state that it was a desperate fought action: they acknowledged that they had 150 killed, and many wounded of the regulars, amongst the latter are col. Procter, and lieut. col. St. George—who received four wounds and is since said to have

died.—They state further, that we lost 250 killed, and a considerable number wounded, and about 300 prisoners. They do not state whether gen. Winchester was captured or not.

POSTSCIPT.—February 10.

A gentleman just from Lewiston states, that gen. Winchester and 4 or 500 of his army, had arrived at Newark, as prisoners of war.

Extract of a letter to the editor of the Weekly Register, dated Fort Stoddert, Feb. 3, 1813.

"The legislature of the Mississippi Territory, have appointed commissioners to select a place within the *country of Mobile* for the holding of courts, and it is said, they very *happily* have designated the *city of Mobile* as the most eligible situation. In April next, the superior court commences its first session there, *nearly under the walls of the Spanish fort*, and there is no doubt but what the Dons will *forcibly* resist the exercise of our authority.—We cannot of course, avoid giving the *retort courteous*, and must *oust* them of their *strong holds, to preserve the peace.* Judge Toulmin, who presides, is peculiarly calculated to meet the difficulties which are the consequence of our embarrassing situation, and will act with *becoming energy*, should he be opposed in the execution of his duty.

"When I passed Mobile on the 21st ultimo, I had occasion to purchase a small quantity of bread, which could only be got out of the town, by *secreting* it under the garments of one of my men—the sale being prohibited because of its scarcity; the same want of flour prevails at Pensacola, said to be occasioned by a *vacuum* in Ferdinand the VII's *strong chest*, and a consequent loss of credit—but, I presume, by the high prices in the Orleans market, where flour was selling by the cargo, at 20 to 21$ per barrel.

"We have from 5 to 600 volunteers enrolled at New-Orleans, and in ten or twelve days shall have upwards of 300 performing duty at this post. At Baton Rouge, there are betwixt 6 and 700 militia embodied, of the Mississippi Territory, and I presume *at least* 600 volunteers are now raised in the counties west of Pearl River—all for the defence of Louisiana—Yet, Claiborne has not the power to call out a single *militia man*, and perhaps the *legislature* may not invest him with it.

"General Wilkinson is concentrating his force at Orleans, by order of government, to repel an invasion which it is presumed is meditated against that island.

"Colonel Hawkins, the U. S. agent for the *Creeks*, informs us by the last mail but one, that a deputation of those Indians had lately been to visit *their friends* at Nassau (New Providence) and that the nation generally were solicitous for the arrival of the British at St. Marks and St. Augustine, to obtain presents; but, he believes, they would not engage in the war."

NAVAL.

Copy of a letter from commodore William Bainbridge, to the secretary of the navy, dated

U. S. FRIGATE CONSTITUTION,
St. Salvador, 3d Jan. 1813.

SIR—I have the honor to inform you that on the 29th ultimo, at 2, P. M. in South lat. 13, 6, and West long. 38, about 10 leagues distance from the coast of Brazils, I fell in with and captured his Britannic majesty's frigate Java of 49 guns, and upwards of 400 men, commanded by captain Lambert, a very distinguished officer. The action lasted 1 hour 55 minutes, in which time the enemy was completely dismasted, not having a spar of any kind standing. The loss on board the Constitution was 9 killed and 25 wounded as per enclosed list. The enemy had 60 killed and 101 wounded certainly (among the latter captain Lambert mortally,) but by the enclosed letter written on board this ship (by one of the officers of the Java) and accidently found, it is evident that the enemy's wounded must have been much greater than as above stated, and who must have died of their wounds previously to their being removed. The letter states sixty killed and 170 wounded.

For further details of the action, I beg leave to refer you to the enclosed extracts from my journal. The Java had in addition to her own crew upwards of 100 supernumerary officers and seamen to join the British ships of war in the East Indies; also lieutenant-general Hislop, appointed to the command of Bombay, major Walker and captain Wood of his staff, and captain Marshall, master and commander in the British navy going to the East Indies to take command of a sloop of war there.

Should I attempt to do justice by representation to the brave and good conduct of all my officers and crew during the action, I should fail in the attempt; therefore suffice it to say, that the whole of their conduct was such as to merit my highest encomiums. I beg leave to recommend the officers particularly to the notice of government, as also the unfortunate seamen who were wounded, and the families of those brave men who fell in the action.

The great distance from our own coast and the perfect wreck we made the enemy's frigate, forbad every idea of attempting to take her to the United States; I had therefore no alternative but burning her, which I did on the 31st ultimo after receiving all the prisoners and their baggage, which was very tedious work, only having one boat left out of 8 and not one left on board the Java.

On blowing up the frigate Java, I proceeded to this place, where I have landed all the prisoners on their parole, to return to England and there remain until regularly exchanged, and not to serve in their *professional capacities* in any place or in any manner whatever against the United States of America, until said exchange is effected.

I have the honor to be, sir, with the greatest respect, your obedient humble servant,

WILLIAM BAINBRIDGE.

Honorable Secretary of the Navy,
City of Washington.

List of killed and wounded on board of the United States' Frigate Constitution, under the command of commodore Wm. Bainbridge, in an action with his Britannic majesty's frigate Java, Henry Lambert, Esq. commander, December 29, 1812.

KILLED.

Jonas Ongrain, seaman.	Mark Snow, do.
Joseph Adams, do.	John D. Allen, do.
Patrick Conner, do	Wm. Cooper, do.
Barney Hart, do.	Thomas Hanson, private marine.
John Cheves, do.	

(Signed) ROBT. C. LUDLOW, *Purser.*
Wm. Bainbridge.

WOUNDED.

William Bainbridge, Esq. commander, severely; John C. Aylwin, lieutenant, do. Charles F. Waldo, master's mate, do. Peter Woodbury, quarter-master, do. John Clements, seaman, do. Joseph P. Cheves, do. do. Nicholas Vixiram, do. slightly; William Long, do. dangerously; Stephen Webb, do. do. Reuben Sanders, do. do. Joseph Ward, do. severely; Wm. Weaden, do. slightly, Enos Bateman, do. dangerously; James D. Hammond, do. slightly, Peter Venus, do. severely; Stephen Sheppard, do. slightly; Abijah Eddy, do. do. Philip Cook, do, do. Philip

Brimhlecom, do. severely; Samuel Brown, ordinary seaman, do. Daniel Hogan, do. do. Thos. Williams 3d, do. slighty; John Vogle, do. severely; Anthony Reaver, private marine, slightly; John Eilwell, do. do.

(Signed) AMOS A. EVANS, *Surgeon.*
R. C. LUDDOW, *Purser.*

Wm. Bainbridge.

The following is a list of his Britannic majesty's military and naval officers parolled at St. Salvador, by commodote Bainbridge:—

1 lieutenant-general, 1 major, 1 captain, 1 post captain, 1 master and commander, 5 lieutenants, 3 lieutenants of marines, 1 surgeon, 2 assistant surgeons, 1 purser, 15 midshipmen, 1 gunner, 1 boatswain, 1 master, 1 carpenter, 2 captain's clerks—total 38 officers.

323 petty officers, seamen, marines and boys, exclusive of 9 Portuguese seamen, liberated and given up to the governor of St. Salvador, and 8 passengers, private characters, whom the commodore did not consider prisoners of war, and permitted them to land without any restraint.

Extracts from commodore Wm. Bainbridge's Journal, kept on board the U. States frigate Constitution.

Tuesday, 29th Dec. 1812—At 9 A. M. discovered two strange sails on the weather bow. At 10, discovered the strange sails to be ships, one of them stood in for the land, and the other stood off shore in a direction towards us—At 10 45, we tacked ship to the northward and westward, and stood for the sail standing towards us—At 11 A. M. tacked to the southward and eastward, hauled up the mainsail and took in the royals—At 11 30, made the private signal for the day, which was not answered, and then set the mainsail and royals to draw the strange sail off from the neutral coast, and separate her from the sail in company.

Wednesday, 30th Dec. 1812—(Nautical time)—In lat. 13 deg. 6 m. S. and long. 38 W. 10 leagues from the coast of Brazil—Commences with clear weather and moderate breezes from E. N. E. hoisted our ensign and pendant—At 15 minutes past meridian, the ship hoisted her colors, an English ensign, having a signal flying at her main—red, yellow, red.

At 1 20 P. M. being sufficiently from the land, and finding the ship to be an English frigate, took in the mainsail and royals, tacked ship and stood for the enemy—At 1 50 P. M. the enemy bore down with an intention of raking us, which we avoided by wearing—At 2 P. M. the enemy being within half a mile of us, and to windward, and having hauled down his colors, except an Union Jack at the mizen-mast-head, induced me to give orders to the officer of the 3d division to fire one gun ahead of the enemy to make him shew his colors, which being done, brought on a fire from us of the whole broadside, on which the enemy hoisted his colors and immediately returned our fire. A general action with round and grape then commenced, the enemy keeping at a much greater distance than I wished, but could not bring him to close action without exposing ourselves to several rakes. Considerable manœuvres were made by both vessels to rake and avoid being raked. The following minutes were taken during the action:

At 2 10 P. M. Commenced the action within good grape and canister distance, the enemy to windward (but much further than I wished.)
At 2 30 our wheel was shot entirely away.
2 40 determined to close with the enemy, notwithstanding his raking—set the fore and mainsail, and luff'd up to him.
2 50 the enemy's jib-boom got foul of our mizen-rigging.
3 00 the head of the enemy's bowsprit and jib-boom shot away by us.
3 05 shot away the enemy's foremast by the board.
3 15 shot away his main-top-mast just above the cap.
3 40 shot away gaff and spanker-boom.
3 55 shot away his mizen-mast nearly by the board.
4 05 having silenced the fire of the enemy completely, and his colors in the main rigging being down, supposed he had struck, then hauled aboard the courses to shoot ahead to repair our rigging, which was extremely cut, leaving the enemy a complete wreck; soon after, discovered the enemy's flag was still flying—hove too to repair some of our damage.
4 20 the enemy's main-mast went nearly by the board.
4 50 wore ship and stood for the enemy.
5 25, got very close to the enemy in a very effectual *raking position*, athwart his bows, and was at the very instant of raking him, when he most prudently struck his flag, for had he suffered the broadside to have raked him, his additional loss must have been extremely great, as he laid an unmanagable wreck upon the water. After the enemy had struck, wore ship and reefed the topsails, then hoisted out one of the only two remaining boats we had left out of eight, and sent lieutenant Parker, 1st of the Constitution, to take possession of the enemy, which proved to be his Britannic majesty's frigate Java, rated 38 but carrying 49 guns, and manned with upwards of 400 men, commanded by captain Lambert a very distinguished officer, who was mortally wounded.—The action continued from the commencement to the end of the fire, one hour and fifty-five minutes. The Constitution had 9 killed and 25 wounded. The enemy had 60 killed and 101 certainly wounded; but by a letter written on board the Constitution by one of the officers of the Java, and accidentally found, it is evident the enemy's wounded must have been considerably greater than as above stated, and must have died of their wounds previously to their being removed. The letter states 60 killed and 170 wounded. The Java had her own complement of men complete, and upwards of 100 supernumeraries, going to join the British ships of war in the East Indies, also several officers, passengers, going out on promotion. The force of the enemy in number of men, at the commencement of the action, was no doubt considerably greater than we have been able to ascertain, which is upwards of 400 men. The officers were extremely cautious in discovering the number. By her quarter bill she had one man more stationed to each gun than we had.

The Constitution was very much cut in her sails and rigging, and many of her spars injured. At 7 P. M. the boat returned with lieutenant Chauls, the first lieutenant of the enemy's frigate, and lieutenant-general Hislop (appointed governor of Bombay) major Walker and captain Wood belonging to his staff,

Captain Lambert of the Java was too dangerously wounded to be removed immediately. The cutter returned on board the prize for the prisoners, and brought captain Marshall master and commander of the British navy, who was passenger on board, as also several other naval officers destined for ships in the East Indies.

The Java was an important ship, fitted out in the completest manner, to carry lieutenant-gen. Hislop and his staff to Bombay, and several naval officers for different ships in the East Indies; and had despatches for St. Helena, Cape of Good Hope, and every British establishment in the India and China seas. She had on board copper for a 74 and two brigs building at Bombay, and I expect a great many other valuables; but every thing was blown up in her, except the officers' baggage, when we set her on fire at 3 P. M. on the 1st of January, 1813, (nautical time.)

The following is a copy of the letter above alluded to, from an officer of the Java.

"Prisoner on board the American frigate Constitution, *St. Salvador, Brazils*, January 1, 1813.

"My dear sir—I am sorry to inform you of the unpleasant news of Mr. Gascoine's death. Mr. Gascoine and myself were shipmates in the Marlborough, and first came to sea together. He was shot early in the action by a round shot in his right thigh, and died in a few minutes afterwards. Four others of his messmates shared the same fate, together with 60 men killed and 170 wounded. The official account you will no doubt have read before this reaches you. I beg you will let all his friends and relations know of his untimely fate.

"We were on board the Java for a passage to India when we fell in with this frigate.—Two parcels I have sent you under good care, and hope this will reach you safely."

Yours truly, H. D. CORNECK.

Lieut. Peter V. Wood, 22d regiment foot,
Isle of France or Bourbon, East Indies.

U. S. frigate Constitution, at sea, 25th January, 1813.
In lat. 7, 20, N. long. 41.

SIR—By this conveyance, (a valuable prize to the Hornet) I have the honor to send you a copy of my despatch from St. Salvador, containing the information of the capture and destruction of H. B. M. frigate Java, by the frigate Constitution, under my command.

The damage the Constitution received in the action, but more especially the decayed state she is in, made it necessary for me to return to the United States for repairs; otherwise I should have continued to prosecute my original plans for the operation of the squadron under my command, and should thereby, beyond doubt, have considerably distressed the enemy's commerce. Expecting to arrive very soon after your receiving this letter, induces me to postpone giving you further particulars until my arrival, when I shall have the honor of giving you details in full.

I have the honor to be, sir, with the greatest respect, your obedient servant, WM. BAINBRIDGE.

Hon. Secretary of the Navy, city of Washington.

Extract of a letter from commodore Bainbridge, to his friend, dated at sea, Jan. 24, 1813.

"The Java was exceedingly well fought and bravely defended. Poor Lambert, whose death I sincerely regret, was a distinguished gallant officer and worthy man. He has left a widow and two helpless children! But his country makes provision for such sad events.

"We are now homeward bound. The damage the Constitution received in the action, and the decayed state she is in, makes it necessary for me to return to the United States for repairs: this I much regret—my crew participate in this sentiment; they are, however, consoling themselves with the hope of receiving their prize-money for the Guerriere on their return. You would be highly amused to hear these rough, though noble, sons of Neptune planning how they shall spend their prize-money. One says he will buy himself a snug little ship on the highest hill he can find, that he may thence, in his old age, view all our sea-fights—another, that now he will marry his Poll—another, that he will send his little Jack to school, &c.

Poor fellows, I trust they will not be disappointed in their expectations. Twice have they willingly, and gallantly, encountered the enemy, and twice have they succeeded: to return home now, and find that they have nothing but a remnant of pay coming to them, would be extremely mortifying—it would inevitably depress their spirits, and damp that noble ardor which they have hitherto felt and displayed. The officer may feel differently. For the performance of his duty, he feels a reward in his own bosom, and in his country's thanks—patriotism and a laudable thirst for renown, will lead *him* to court perils in defence of his country's rights. These feelings operate upon the sailor also; but to keep up the high tone of his ardor, he must have *prize-money in view!*

"True policy, in my humble opinion, dictates the destruction of the enemy's ships after capture; for by manning them, even if they are left in a manageable situation, our ships would be so weakened in their crews, that they would be liable to be captured by an equal or insulted by an inferior force. The act of destruction is done by the command of the captain only—the crew, who have exposed their lives equally with him, have *not the right of opposition.* When I ordered the Java to be destroyed, these considerations presented themselves to my mind with great force. Surely justice and sound policy obviously recommend a liberal provision in their favor. In making these observations, I am not influenced by any selfish motive—the applause of my countrymen has for me greater charms than all the gold that glitters. But justice to those who have bravely fought under my command, and assisted me in gaining this victory, requires, at my hands, an exertion in their behalf; and should it please Heaven to conduct us safe to our native shores, I shall not fail to use my best endeavors, solemnly believing as I do that the principle is all-important *to the continued successes of our navy!* For if it is, as I hold it, the indispensible duty of the commander to destroy the capture, on account of the gauntlet he would have to run with both the prize and his own ship (except he should be very near one of our own ports)—and the captain to receive (which is almost always the case) *all the honor, and the others no compensation*—is it not natural to suppose that the ardent desire which our seamen at present so strongly manifest to get into battle would diminish? Let that once take place, and your naval fights will not, I prophecy, be so decisive as they would be by keeping the ardor up. And how trifling an expense the compensation would be in a national view. The schooner that I am now despatching, (a prize to the Hornet) will give to the public treasury upwards of *one hundred thousand dollars.*

CONSTITUTION AND JAVA.

A medley of interesting particulars, collected from various sources.—The Constitution arrived at Boston on the evening of the 8th inst. and is considerably cut in her spars and rigging, but has only three shots in her hull. She left *St. Salvador* January 6, which port she entered to discharge the prisoners; and was fully prepared, at any time, to capture another frigate, if her good fortune had placed one in the way. Com. *Bainbridge*, on landing at *Boston*, was received with a salute of cannon, and the loud acclamations of thousands; many instruments of *sweet* music playing the good old tune of *Yankee doodle*—the streets were filled with a delighted populace, and the "house and chimney tops" covered with people. The veteran *Rodgers* was on his right hand. Party feeling was prostrated in national glory. Let us keep the dæmon down.———The legislature of *Massachusetts*, being in session, passed a vote of thanks.—The *Java* was fitted out in the highest stile for the purpose of conveying lieut. gen. *Hislop* to his important command. She was formerly the French ship *Renomme*, captured off *Madagascar*, and *then* rated by the *British* at 44 guns. In *Steel's* lists she is called only a *thirty-six*, though the British put on board five more guns than she had when they took her, being 49 in all. Thus is the British public deceived into "glorious victory." Her metal and guns were as follow: 28 eighteen pounders on the main deck; 14 thirty-two pounders on the quarter-deck: 4 do. and 2 two large 12 pounders on the forecastle—one shifting gun, 24 pounder—total 49 guns. Her 18 pound shot, as they are called, want only 3*lbs.* of being as heavy as the 24's of the *Constitution*, and her 32's are heavier than the American 32's. Her quarter bills shew that she had one man on the main deck, and two men more at each gun on the upper deck, than the *Constitution* had; yet the latter fired nearly two broadsides for her one. The *Java* touched at *St. Jago*, and there learned that the *Essex* was on the coast; and supposing the *Constitution* to be that ship, kept at long shot, because the *Essex* has carronnades only. This is but a lame excuse for not closing in, as she had the power to do. On board the *Java* was the copper for a 74 and two sloops of war building at *Bombay*, and other articles of great value. The *Constitution* had parted with the *Hornet* some days before the battle, but afterwards met her at *St. Salvador*. Lieutenant-general *Hislop* presented an elegant sword to com. *Bainbridge*, in compliment to his magnanimity and humanity to towards the prisoners.

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The officers of the *Java* informed com. *Bainbridge*, that the *Essex* had captured a sloop of war and four very valuable prizes. The sloop is said to be the *Nancy*, lt. *Fenwick*.

The *Hornet*, besides the prize that has arrived in the *Delaware*, had recaptured the American ship *William*, a prize to the *Java*. The Hornet carries 16 guns; and, it is stated, challenged the commander of a British sloop of war the *Bonne Citoyenne*, of 22 guns, then lying in *St. Salvador*, com. *Bainbridge* pledging his honor not to interfere. Lt. *Lawrence* is a charming fellow—but the English would not fight—a *race* may be expected, for the *Hornet* waits on the coast to catch the *Englishman*; who has on board

A MILLION AND A HALF OF DOLLARS.

We have good news of the frigate *Chesapeake.*—See prize list. Besides those mentioned, she had taken four other as valuable vessels, *and was left in chase of eleven sail of large ships, two of them of* 900 *tons each, under convoy of a sloop of war.* As the Chesapeake sails well, there is reason to believe that she may come up with the whole of them. As they say in *Boston*, we cry, "*God send!*" The *Chesapeake* had been chased by two British frigates in company, but soon lost them.

It is understood that the United States have taken the *Macedonian* frigate at the valuation of $200,000.

A letter from Little Egg Harbor, February 8th, says—"A British 74 gun ship has been on shore at the beach, and compelled to throw her guns overboard, before she could be got off."

We have a list of about 15 vessels, of various descriptions, captured by the British squadron in the Chesapeake. The prisoners have been sent to Norfolk in cartels.

The British in our bay are literally a set of *plunderers*—they seize, or *steal*, the most trifling articles, such as the etiquette of honorable war has always regarded sacred. We suppose this is the "*magnanimity*" we hear so much of: It is a good match for their love of "*religion* and *liberty*." In this general

censure, we except captain *Byron*, of the Belvidera.

The following was inserted on the coffee-house books, at Baltimore, on the 24th inst.

By a prisoner who left the blockading fleet in Lynhaven bay a few days ago, we learn that the squadron consisted of 5 frigates, anchored within hail of each other—Each frigate has two launches, with a 6lb. howitzer, manned with from 25 to 30 men each —those launches, in good weather, go as far as ten or fifteen miles up the bay, to look out for vessels bound down, and generally return to the fleet in the evening—they also cruise all night between the fleet and the middle ground—they have a pilot boat stationed outside the capes, as a decoy for vessels bound in, and keep a tender cruising inside to aid the launches.

Our last accounts from *Bermuda* state that 8 ships of the line, and a number of frigates were hourly expected from England, to blockade our coast. Let them come ;—as one of our *primitive* patriots said on a similar occasion, "if surrounded by a wall of brass a thousand miles high, we can live independent and happy."

British justice.—A London ministerial paper of the 15th Dec. says, "It is highly *ridiculous* to hear America talk of maritime rights. What means has she "of *enforcing* them ?" This is in strict concord with the uniform conduct of *Great Britain*. POWER is the only law she acknowledges.

Nelsonising the main.—Two 74's and five or six frigates, fearlessly blockade one frigate, the *Constellation*, in the *Chesapeake ;* and 250 men, in ten great boats or launches, well armed with heavy guns and musketry, have taken a little schooner, the *Lottery*, with 29 men, after a dreadful fight of between two and three hours—in the mean time, *Bainbridge*, *Evans*, *Porter* and *Lawrence*, are hunting *British* vessels on the high seas. The *first*, more fortunate than his fellows, has found what he wanted, an enemy frigate of superior force. The *second*, at our last accounts from him, had good game in view. The *third*, with an eagle-eye, is picking up every thing he sees. The *fourth* is looking after a more powerful vessel than his own, laden with a million and a half of dollars. *Rogers* and *Decatur*, *Smith* and *Jones*, are preparing for another *hunt*, and will make an early start to catch some *Englishmen*. What a lesson is to be found in the enterprizes of our seamen ! Where would rest the "trident of the main," if *we* had the ships that *France* retains in her ports ?

Original Anecdotes.—When the news of the capture of the JAVA frigate was received at the merchant's coffee house in *Baltimore*, every eye sparkled with joy, and every tongue was employed in extolling the officers and crew of the *Constitution*. A dry old seaman, observing the scene, fixed the muscles of his face into indifference, and roughly denied the credit so liberally bestowed, swearing that merit was only due to *one* person on board the *Constitution*. "Who is that ?" demanded several in surprize. "I don't know," said the son of the ocean, "but (giving his quid of tobacco a luscious squeeze) he is the man or boy that *first saw* the enemy, and he is a d—d clever fellow for keeping such a good look out !"

The masts of the JAVA going by the board, as the custom is, in homage of the stars and stripes of *Columbia*, it was shrewdly suggested that they, also, must have been "defective." A patriotic *blacksmith* hearing the remark, observed that such was doubtless the case ; and gravely proposed it should be recommended to the board of Admiralty to have them made of *tough wrought iron*.

IN HONOR OF THE ENEMY.

Though capt. *Byron* has performed nothing more than the duty of an *honorable man*, and merely emulated the generous conduct of *our own tars*, whether in public ships or *private* armed vessels ; it is to his glory to contrast his proceedings with the *tomahawking and scalping of the wounded* under *sufferance* of his fellow countrymen on land, and the general cold-blooded cruelty and indiscriminate rapine of his brethren at sea. If the fortune of war should ever throw him into our hands, his *manly* behaviour will be requited a thousand fold, by a people that know how to value him.

United States frigate Constellation, Feb. 16, 1813

SIR, At the solicitation of capt. Southcomb's friends I sent a flag down to the squadron of the enemy in Lynhaven Roads, to bring him and his two wounded men up to Norfolk, where their situation could be rendered more comfortable.

Inclosed you will receive a copy of captain Byron's note to captain Gould on the subject, as also copies of my letter to captain Byron and his answer. The cartel returned last evening with the body of capt. Southcomb ; he was wounded in five places, gallantly defending his vessel against a number of armed boats. While such instances of bravery cannot but inspire the enemy with respect for the American character, I trust this instance among many others of the humanity and generosity of captain Byron will not be forgotton by our countrymen.

I have the honor to be, very respectfully, sir, your very obedient servant, CHS. STEWART.

Hon. WILLIAM JONES,
Secretary of the navy, Washington.

February 11*th*, 1813.

SIR, I am glad in being able to get the little box of China for Mrs. Gould—rest assured in every attention being paid to the unfortunate captain John Southcomb and his two wounded men—whatever vessel comes for them shall be treated with due respect, for which I have the senior captain's authority.

I am your humble servant,
R. BYRON.

CAPTAIN GOULD.

United States frigate Constellation, Norfolk Harbor, February. 13, 1813.

SIR, Capt Gold has handed me a note you addressed to him of the 11th inst. in which you state "by authority of the senior captain of his Britannic majesty's squadron in Lynhaven bay, that captain Southcomb and his two wounded men will be delivered to any vessel that may come for them."

I send a flag down to you for the purpose of receiving those unfortunate men and avail myself of this opportunity to thank you for your attention and humanity to the unfortunate.

I have the honor to be, very respectfully, sir, your obedient servant, CHARLES STEWART.

Senior officer at Norfolk.

P. S. Doctor Ray goes with the flag to attend the wounded men should there be any necessity.

Captain Richard Byron, commanding his Britannic majesty's ship Belvidera.

BELVIDERA, LYNHAVEN ANCHORAGE,
February 13, 1813.

SIR—I received your letter of this morning by Doctor Ray ; it is with extreme concern I acquaint you the unfortunate and gallant captain John Southcomb expired this morning. It will be satisfactory in some degree to his widow, to know he had truly a religious sense of his situation, latterly delirious, without the excess of pain that might have been expected. Capt. Gold and his steward have charge of his effects. His body will be placed in the cartel,

so soon as the coffin can be prepared. The two wounded men at their own request went up in the former cartel, which I am sorry to hear got on shore. I am extremely flattered with the part of your letter thanking me for attention and humanity to the unfortunate, which gives me the most perfect assurance of the generous feelings of capt. Chas. Stewart.

I have the honor to be, &c. R. BYRON.

Captain Charles Stewart, captain of the United States' frigate Constellation.

American Prizes.

WEEKLY LIST—CONTINUED FROM PAGE 383.

"The winds and seas are Britain's wide domain,
"And not a sail, but by *permission*, spreads!"
British Naval Register.

The London Sun of Dec. 15, says, "his [Mr. Madison's] militia and regulars are already disposed of—his navy is now bespoke by our cruisers, and will be wholly sent home to British ports by the commencement of spring."

"The capture of the Guerriere is made a prominent feature, and as it is the first, and probably will be the last, triumph of the American navy, they do right to make as much of it as possible."
London Courier, Dec. 15, 1812.

The London Quarterly Review for Sept. contains the following paragraph:

"We will not stop to degrade the British navy by condescending "to enter into a comparison between the high order, the discipline "and comfort of an English man of war and an American frigate. "We disdain any such comparison."

☞We have the great pleasure to introduce to our readers this week a list of prizes, "snugly" accounted for, worth to the enemy between two and three millions of dollars—and look-out daily for valuable additions—see *naval* "events of the war."

345. The frigate JAVA, of 49 guns, taken by the U. S. frigate *Constitution*, and burnt, being battered to pieces by the "*Yankees*." See official account, &c. page 410.

346. Brig —— captured by the Growler privateer, and released after dispossesing her of many valuables.

347. Ship Diligence, of 12 guns, a government transport, a great ship laden with most valuable military stores, wrecked near Machias, (see page 365) and set on fire by the British. Col. *Ulmer*, commanding the United States volunteers on the Eastern frontier, recovered from the wreck, 10 pieces 24lb cannon, 15 of 12, 2 of 9, with the carriages for the large pieces and various useful appurtenances, also 25 ton of shot &c. &c. We therefore call this a good prize.

348. Schooner ——, captured by the Gallinipper privateer and ransomed.

349. Ship Neptune 10 guns, from London for Rio Janeiro, with a very rich cargo of brandy, wine and dry goods, sent into Portland, by the Decatur privateer. The Neptune is a large ship, coppered, and of the first class. Her cargo is 500 pipes brandy and wine, 20 bales dry goods, and ten cases watches! The Decatur has taken two other vessels and sent them to France.

350. Ship ——, from Quebec for London, laden with timber, comprising THE WHOLE FRAME OF A SHIP OF 74 GUNS, sent into Kennebeck, by the America of Salem. The timber is, doubtless, duly seasoned, and is just in time.

351. Ship Volunteer, 12 guns, 400 tons burthen, coppered, a ship of the first class, from London for Brazil, deeply laden with dry goods and copper, sent into Portsmouth by the *Chesapeake* frigate, and said to be worth £150,000 sterling.

352. Ship ——, burnt by the *Chesapeake*, after taking out of her goods worth $200,000. See "events of the war"—*naval.*

353. Schooner Ellen, sent into New-Castle (Del.) laden with dry goods, worth $250,000, by the U. S. sloop of war Hornet. ☞The Ellen is one of the American vessels that was *peaceably* captured under the orders in council—restored by *cannon law.*

354. Ship ——, 20 guns, laden with mahogany and log wood, sent into New-Orleans by the privateer Spy, of that port.

[Fill up the blank in the prize list no. 341, and read "ship Arabella."]

British Order in Council.

The following order in council, with the letter of instructions annexed, is an open attempt to reduce to practice the theory that *John Henry* labored to establish at *Boston*. It remains to be seen whether the people of the "*Eastern States*" will join in this infamous plan; or whether, as when the port of *Boston* was shut, they will make a common cause with the rest

Congress may and ought to remedy this abominable attempt. Every vessel sailing by "*permission*" of the enemy should be treated as of the enemy. Let a law be passed to this effect, and our privateers will enforce it. By existing laws, that man is considered a traitor who traffics with *Cañada;* is the nature of the fact changed by his "comforting" the enemy in his *West-India* possessions.

From the Bermuda Gazette of January 16.

BERMUDA, ALIAS SOMER ISLANDS.

By his excellency brigadier-general George Horsford, lieutenant-governor and commander-in-chief, in and over these Islands, &c. &c. &c. A PROCLAMATION.

Whereas I have received a copy of his royal highness the prince regent's order in council, bearing date at the court at Carlton House, the 26th of October, 1812, which order is in the words following, viz—Whereas during the late and present war, emergencies have at various times arisen essentially affecting the necessary supply of the Britsh West-India islands, and of lands and territories belonging to his majesty on the continent of South America, and it has been found expedient and necessary, for the trade and commerce of said islands, lands, &c. and for the support of the inhabitants thereof, further to extend, for a limited time, the importation into, and exportation from the said islands, lands and territories. His royal highness the prince regent, in the name and on the behalf of his majesty, is pleased, by and with the advice of his majesty's privy council, to authorise and empower the governor or lieutenant-governor of any of the islands or territories in the West-Indies, (in which description the Bahama islands and the Bermuda or Somer islands are included) and of any of the lands or territories on the continent of South America to his majesty belonging; and they are hereby respectively authorised and empowered to permit, until the 30th day of June, 1813, the importation into the said islands, lands and territories, respectively, of staves and lumber, horses, mules, asses, neat cattle, sheep, hogs, and every other species of live stock, and live provisions, and also of every other kind of provisions whatsoever, (beef, pork, butter, salted, dried and pickled fish excepted) in any unarmed ship or vessel not belonging to France, or to the subjects or inhabitants thereof, or of any port or place annexed to the territories of France, under the license of the said respective governors or lieutenant-governors, which are hereby empowered to grant in his majesty's name, subject to such instructions as his royal highness the prince regent, in the name and on the behalf of his majesty, shall, from time to time, think fit to issue, to be signified by one of his majesty's principal secretaries of state; and also to permit, under licenses to be granted as aforesaid, the exportation from the said islands, lands and terri-

ties, into which such importation as aforesaid shall be made, and in the ships aforesaid in which such importation shall have been made, of rum and molasses, and of any other goods and commodities whatsoever, except sugar, indigo, cotton, wool, coffee and cocoa. Provided that such ships or vessels shall duly enter into, report and deliver their respective cargoes, and re-load at such ports only where regular custom-houses shall have been established. But it is his royal highness' pleasure, nevertheless, and his royal highness, in the name and on the behalf of his majesty, and by and with the advice aforesaid, is pleased to order, and it is hereby ordered, that nothing herein before contained shall be construed to permit the importation of staves, lumber, horses, mules, asses, neat cattle, sheep, hogs, poultry, live stock, live provisions, or any kind of provisions whatever as aforesaid, into any of the said islands, lands or territories in which there shall not be, at the time when such articles shall be brought for importation, the following duties on such articles of the growth or produce of the United States of America, namely:

On wheat flour, per barrel not weighing more than 196 lbs. nett weight	£0	5	8
On bread or biscuit of wheat flour or any other grain, per barrel, not exceeding more than 100 lbs.	0	3	4
On bread, for every 100 lbs. made of wheat, or any other grain, imported in bags or other packages than barrels, weighing as aforesaid,	0	3	4
On flour or meal, made from rye, peas, beans, Indian corn, or other grain than wheat, per barrel, not weighing more than 196 lbs.	0	3	4
On peas, beans, rye, Indian corn, callivances, or other grain, per bushel,	0	0	10
On rice, for every 100 lbs. nett weight, and so in proportion for a less or larger quantity,	0	3	4
On shingles, called Boston chips, not more than 1 foot in length, per M.	0	3	4
On shingles being more than one foot in length, per M.	0	6	8
For every 1200, commonly called 1000, of red oak staves,	1	0	0
For every 1200, commonly called 1000, white oak staves, and for every 1000 pieces of heading,	0	15	0
For every 1000 feet of white or yellow pine lumber, of all descriptions,	0	10	0
For every 1000 feet of pitch pine lumber	0	15	0
For all other kinds of wood or timber, not before enumerated,	0	15	0
For every 1000 wood hoops	0	5	0
And in proportion for a less or larger quantity of all and every the articles enumerated.			
Horses, neat cattle and other live stock, for every £100 of the value thereof, at the port or at the place of importation	10	0	0

And whereas, I have deemed it expedient and necessary to make known and publish the same within this his majesty's government, I do therefore issue this my proclamation, to the end that all persons whom it doth or may concern, being duly appraised thereof may govern themselves accordingly.

Given under my hand, and the great seal of the Islands, this 14th day of January, 1813, and in the 53d year of his majesty's reign.

GEORGE HORSFORD.

By his excellency's command,

ROBERT KENNEDY.

God save the King.

(CIRCULAR.)

DOWNING-STREET, Nov. 9, 1812.

SIR—I have the honor of enclosing you an order of council, which has been judged expedient to issue, in consequence of existing hostilities between his majesty and the United States. By this order you are authorised to grant licences for importation of certain articles enumerated in the same order, and for the exportation of certain articles also enumerated in the same, in the ships in which the importation shall be made.

This intercourse is to be subject to the condition stated in the order, and such instructions as you may from time to time receive from one of his majesty's principal secretaries of state. I am commanded by his royal highness the prince regent, to signify to you that in granting the licences for importation of the above enumerated articles, you take care that the articles so to be imported be severally enumerated in the body of the license, that the port or place from whence the importation is to be made, and the port to which the vessel is bound be also inserted in the body of the licence.

That if the person applying for the licence, shall not be able to state the name of the vessel on board of which the proposed importation is to be made, the condition of the licence should be that the name of the vessel, the name of the master, her tonnage and national character, be endorsed on the licence on quitting her port of clearance, and that the condition of her licence should also be that she proceed direct for the port of her destination.

Although the order authorizes you to permit the importations of the enumerated articles in any vessel not French, you will not grant these licences to any except vessels in amity with his majesty, unless you are convinced that the island will be exposed to serious embarrassments by so confining the importation in question.

Whatever importations are proposed to be made under the order from the United States, should be by your licences confined to the ports in the EASTERN STATES EXCLUSIVELY, unless you have reason to suppose that the object of the order would not be fulfilled if licences are not also granted for importations from the other ports in the U. States.

With respect to the licences for exportation on board the vessels in which an importation shall have been previously made, you will observe that the order does not require that the port of destination in such case shall be the same as that from whence the importation had been made, but you will take care that in the body of the licence be inserted the name of the vessel, her tonnage, &c. port of clearance, and the port of destination; and that the cargo be described in the body of the licence, according to the words of the order: viz, rum, molasses, or any other goods and commodities, whatsoever, except sugar, indigo, cotton, wool, coffee, and cocoa.

You will take care that the term of the import license does not exceed the term of the order on which it is granted, and that you do not issue any licence for exportation under this order after that period.

The fee payable for each licence is not in any case to exceed the sum of £1 1s.

To Lt. Gov. Harcourt, &c.

CORRECTION.—The report of the committee of grievances and courts of justice, raised in the house of delegates of the state of Maryland, was published in the REGISTER as it issued from that committee. But an amendment was made by *striking* out those words, *(having reference to major Barney)* "instead of preserving a dignified stand, such as became a soldier, he so conducted himself as"—and inserting in the place of them—"*he attempted by conciliation and persuasion, to induce the mob to disperse, which had the effect*"—

Number Seventy-Eight.

The present number closes the *third volume* of the WEEKLY REGISTER, and brings round a second period for the payment of FIVE DOLLARS for the current year. The subscribers in *Baltimore* will be immediately waited upon, and the bills, as usual, have been sent to the different agents. Gentlemen residing in places where there are not agents, will be pleased speedily to remit by mail. The editor has the *right to hope for* universal payment; for never was greater drudgery bestowed to *deserve* it.

The promised APPENDIX will issue as soon as possible—in from 6 to 8 weeks; it will be voluminous and expensive, and require time as well as money to complete it. With the appendix will be forwarded a much improved and *complete* INDEX for the volume. The *appendix* being designed as a "free gift of gratitude" to the *real* friends of the work, none others can expect to receive it.

The REGISTER will be suspended, after the present number, to all persons in arrears for the *first* year. No man shall *patronize* me for two years by the use of his *name* only. Those from whom the last year's subscription remains due, must pay $ 10 for that and the present year, before the paper can be resumed.

The next volume will, in all human probability, comprize the most interesting period of time our country ever saw. With increased resources and liberal encouragement to labor, the editor expects to add much to the value of the work, in several interesting particulars. It has been observed by many that they would gladly increase the price of subscription for an increased quantity of matter—this desirable object may be attained without additional cost, by recommending the work to their neighbors, and impressing upon all the necessity of complying with its terms—*and supplements shall shew that the editor only requires the* ability *to meet his* will.

Agents are earnestly requested to return the *names* of those gentlemen from whom they have received, or may receive payment, that error may be avoided —that the punctual may be attended to, the neglectful being neglected. The subscribers to the REGISTER are now more than *three thousand seven hundred;* the publication is only of eighteen months standing; but from 50 to 80 new patrons are received every month, among whom are many gentlemen of the first consideration in the republic.

☞ Letters to the editor must be post-paid.

American Seamen.

REPORT.

The secretary of state, agreeably to a resolution of the senate of the 28th January last, requiring a statement of the whole number of seamen annually registered, under the act of the 28th of May, 1796, entitled "An act for the relief and protection of American seamen," distinguishing the number so registered in each year, according to returns made to the department of state by collectors of different ports, has the honor to submit the following abstract, from the returns made to this department, distinguished by the several years when they were so made.

It may be proper to observe that from the deficiency of returns, it is to be reasonably inferred that the number of seamen actually enregistered in the United States during the period embraced in this report, exceeds that now stated by one third.

Abstract of seamen registered in the several custom-houses of the United States, according to returns made to the department of state.

For the 3 last quarters of the year	1796	4,819
For the year	1797	9,021
For the year	1798	7,031
For the year	1799	6,514
For the year	1800	3,390
For the year	1801	6,917
For the year	1802	891
For the year	1803	10,724
For the year	1804	6,822
For the year	1805	10,722
For the year	1806	9,900
For the year	1807	7,937
For the year	1808	1,121
For the year	1809	9,170
For the year	1810	3,668
For the year	1811	4,828
For the year	1812	3,252
	TOTAL,	106,757

All which is respectfully submitted.

JAS. MONROE.

Department of Sate, February 18th, 1813.

The Brig Hiram of Baltimore.

This was the case of a vessel bound to *Lisbon* from *Baltimore*, with a cargo of flour, having a *British license* authenticated by the hand of *Andrew Allen*, junior, at *Boston*, who, under the date of *September 15th*, 1812, signs himself "his *Britannic majesty's consul* for the states of Massachusetts, New-Hampshire, Rhode Island and Connecticut;" an order that the proceeds of the cargo should be remitted to England, was also found on board her by the Thorn privateer, by whom she was sent into Marblehead. In the District court, held at Boston, February 6, judge Davis presiding, the vessel was ordered to be restored, but without cost or damages, to the claimant. A friend has furnished us with the opinion of the court, which may be esteemed important; it is too long for insertion at present.

☞ POSTSCRIPT.

Under a prospect of receiving a copy of the expected communication from General *Winchester*, we kept open this page until after the arrival of the southern mail, which, however did not bring it.

The senate have rejected the bill to prevent the employment of foreign seamen, by a majority of one vote; owing, it is said, to the accidental absence of several members when the question was taken—all the "federalists" voting against it.

The president has communicated the order in council (see page 414) to congress, reprehending its policy as it deserves.

A letter from *Utica* received in Baltimore this day, on information from a person who was in battle at the *River Raisin*, says, the enemy force consisted of 1100 Indians, 300 British regulars, and 400 militia, with 7 pieces of artillery. The resistance made by our troops was of the most gallant character, and our loss in killed is said not to exceed 250. The British charged three times with the bayonet and were repulsed. There loss is thought nearly to have equalled our own; except that the wounded Americans were murdered.

We have no foreign or domestic news, since our last, of importance, other than is to be found in the "Events of the War."

END OF VOLUME THE THIRD

THE WEEKLY REGISTER.

VOL. III. APPENDIX TO VOLUME THE THIRD.

Hæc olim meminisse juvabit.—VIRGIL.

Printed and published by H. NILES, South-st. next door to the Merchants' Coffee House, at $ 5 *per annum.*

Herbert's British Tax Tables

FOR 1813.

Containing the Assessments, Stamps, Property Tax, &c. &c....(Stamped by Act of Parliament, and published by authority.)

ADDITIONAL DUTIES OF EXCISE IN GREAT BRITAIN.

On Hides and Skins.

	£.	s.	d.
For every pound weight avoirdupoise of hides of what kind soever, and of calf-skins, kip, hog skins, and seal skins, which shall be tanned in Great Britain, and of sheep skins and lamb skins, for gloves and bazils	0	0	1 1-2
For every dozen of goat skins tanned with shoe-mack or otherwise, to resemble Spanish leather	0	4	0
For every dozen of sheep skins tanned for roans, being after the nature of Spanish leather	0	2	3
For every pound weight avoirdupoise of all other skins, and of all parts and pieces of hides and skins which shall be tanned in Great Britain, not hereinbefore particularly charged	0	0	6
For and upon all hides of horses, mares and geldings, which shall be dressed in allum and salt, or meal, or otherwise tawed in G. Britain, for every such hide	0	1	6
For and upon all hides of steers and cows, or any other hides, of what kind soever, those of horses, mares and geldings excepted, do.	0	3	0
For every pound weight avoirdupoise of all calf skins, kips and seal skins, do.	0	0	1 1-2
For every dozen of slink calf skins, do.	0	3	0
For every dozen of slink calf skins, which shall be so dressed or tawed without hair, and every dozen of dog skins and of kid skins which shall be tawed as aforesaid	0	1	0
For every pound weight avoirdupoise of buck and doe skins, do.	0	0	6
For every dozen of goat skins and of beaver skins, do.	0	2	0
For every pound weight avoirdupoise of sheep and lamb skins, do.	0	0	1 1-2
For every pound weight avoirdupoise of all other skins, and of all parts and pieces of hides and skins, which shall be so dressed in allum and salt, or meal, or otherwise tawed in Great Britain, not herein before particularly charged	0	0	6
For every pound weight avoirdupoise of all sheep and lamb skins which shall be dressed in oil in Great Britain	0	0	3
For every pound weight avoirdupoise of all other skins, and of all parts and pieces of skins, do.	0	0	6
For every dozen of vellum which shall be made in Great Britain	0	3	6
For every dozen of parchment, do	0	1	9

Additional duties of excise on glass made in G. Britain.

	£.	s.	d.
For every 100 weight of flint glass and of phial glass respectively	2	9	0
For every 100 weight of spread window glass, commonly called or known by the name of broad glass	0	15	0
For every 100 weight of all other window glass, not being spread glass, whether flashed or otherwise, manufactured and commonly called or known by the name of crown glass or German sheet-glass	1	16	9
For every 100 weight of materials or metal, or other preparations whatever, by what name soever the same are or may be called or known, that shall be made use of in Great Britain in the making of glass, the following sums respectively, that is to say,			
In the making of plate glass	2	9	6
And in the making of common bottles, the same not being phials, and of vessels made use of in chemical elaboratories, of garden glasses, and of all other vessels and utensils made of common bottle metal	0	4	1
For every 100 weight of plate glass, and of all other glass manufactures which shall be imported from parts beyond the seas into Great Britain, the same not being flasks in which wine or oil shall or may be imported, nor foreign green glass bottles, nor Irish glass or glass manufactures imported directly from Ireland	3	3	0

ASSESSMENTS, WITH THE LATE ALTERATIONS.

House duties—(Rated in the pound.)

	£.	s.	d.
Five pounds and under twenty pounds rent per year			1 6
Twenty pounds and under forty pounds rent per year			3 2
Forty pounds rent per year, and upwards	2	10	

Houses let in different apartments, and inhabited by two families, the same shall be charged as if such house was inhabited by one, and the occupiers of such tenements shall be charged, as if occupiers of such house.

Where the landlord shall not reside within the limits of the collector, or pay in 20 days, it may be levied on the occupiers.

The landlord of a lodging house shall be charged as occupier of the whole house. No dwelling, &c. shall be rated at a less annual value than the last poor's rate.

Houses which shall be valued at ten pounds a year or less, and all hospitals, charity schools, poor houses, are exempt.

WINDOWS.

From and after the 10th of June, 1810, any window in a room, used wholly for the purpose of carrying on any manufacture, and not having any internal communication with the dwelling house, shall be exempted.

HOUSE AND WINDOW DUTY COLLECTED TOGETHER.

Number of windows.	duties for every dwelling house in England.	Number of windows.	duties for every dwelling house in England.
	l. s. d		l. s. d
Six windows under 5l. yearly rent - -	0 6 6	34 windows, &c. -	23 0 0
Six windows above aforesaid value - -	0 8 0	35 do - - -	23 16 6
7 windows, &c. -	1 0 0	36 do - - - -	24 13 6
8 do - -	1 13 0	37 do - - - -	25 10 6
9 do - - - -	2 2 0	38 do - - - -	26 7 0
10 do - - -	2 16 6	39 do - - - -	27 4 0
11 do - - - -	3 12 6	40 to 44 windows -	28 17 6
12 do - - - -	4 9 6	45 - 49 do - -	31 13 6
13 do - - - -	5 6 6	50 - 54 do - -	34 10 0
14 do - - - -	6 3 6	55 - 59 do - -	37 6 6
15 do - - - -	7 0 0	60 - 64 do -	39 15 6
16 do - - - -	7 17 0	65 - 69 do - -	42 0 6
17 do - - - -	8 14 0	70 - 74 do - -	44 5 0
18 do - - - -	9 10 6	75 - 79 do - -	46 10 0
19 do - - - -	10 7 6	80 - 84 do -	48 15 0
20 do - - - -	11 4 6	85 - 89 do - -	51 0 0
21 do - - - -	12 1 0	90 - 94 do - -	53 4 6
22 do - - - -	12 18 0	95 - 99 do - -	55 9 6
23 do - - - -	13 15 0	100 - 109 do -	58 17 0
24 do - - - -	14 11 6	110 - 119 do - -	63 6 6
25 do - - - -	15 8 6	120 - 129 do -	67 16 6
26 do - - - -	16 5 6	130 - 139 do - -	72 6 0
27 do - - - -	17 2 0	140 - 149 do -	76 16 0
28 do - - - -	17 19 0	150 - 159 do - -	81 5 6
29 do - - - -	18 16 0	160 - 169 do -	85 15 6
30 do - - - -	19 12 6	170 - 179 do - -	90 5 0
31 do - - - -	20 9 6	180 - . - -	93 2 0
32 do - - - -	21 6 6	And for every window or light exceeding the number of 180 - -	0 3 0
33 do - - - -	22 3 0		

Every window is liable, not stopped with the same materials as the outside walls. Six days notice must be given, in writing, to the surveyor, of every window to be made or stopped up; the person or persons failing liable to 10£. penalty.

No abatement for windows not stopped previous to the 5th of April.

Dairies and cheese rooms are exempted, provided the above words are written on the outer door or window, and made without glass. Sky, cellar, staircase and passage-lights included; likewise kitchen, cellar, wash-house, and brew-house lights, whether within the dwelling, contiguous, or disjoined, &c.

Inns of court or colleges, halls, hospitals, set of chambers, are chargeable as if separate houses. Every chamber, containing not more than seven windows, shall be charged 3s. a light.

A dwelling-house divided into tenements, pays the same duty.

When a division between windows is twelve inches broad, the light on each side shall be charged severally, and likewise windows, giving light to more than one room or landing-place.

All windows, from the extremity of the opening of the wall shall not exceed in height 12 feet, or in breadth 4 feet 9 inches, not being less than 3 feet 6 inches in height, shall be charged as two windows, except such windows as have been made of greater dimensions, prior to April 5, 1785, except windows for shop, workshop or warehouse, and those belonging to houses licensed to sell wine, ale, &c. &c. by retail—also farm-houses which are exempted by the provisions of inhabited houses.

GAME.

Certificate for taking or killing any game whatever, or woodcock, snipe, quail, landrail, or conies, - - - £ 3 13 6

Game-keeper, 1l. 1s. Every other person - - - - - - - - 3 13 6

EXEMPTIONS.

Taking of woodcocks, or snipes, with nets or springs.

Taking conies in warrens, or enclosed grounds, or by any person in lands in his own occupation, with ferrets or nets.

Penalty for acting without a certificate - - - - - - - £ 20 0 0

PLEASURE HORSES.

1 Horse	£ 2	17	6	11 Horses	£ 65	2	0
2	9	4	0	11	70	19	6
3	15	1	6	13	77	3	6
4	20	16	0	14	83	1	6
5	26	3	6	15	88	19	6
6	32	12	6	16	94	17	6
7	38	19	6	17	101	4	0
8	44	9	6	18	108	0	6
9	50	17	0	19	114	10	0
10	59	4	6	20	121	11	0

Every other horse 6l. 12s. 6d.

EXEMPTIONS.

Horse, mare or gelding for husbandry, or drawing any carriage, not liable to this act, if rode when returning from or going for a load, medical assistance, market, place of public worship, election of members of parliament, courts of justice, meetings of commissioners of taxes.

Tenants at rack-rent under 70l. a year, exempt.

DRAUGHT HORSES AND MULES.

For every horse or mule not chargeable with any the above duties, 14s.

GENERAL EXEMPTIONS.

Post horses, stage coach horses, hackney coach horses, horses kept for sale in the hands of dealers.

Any person, who on account of poverty, shall be discharged from the duties on windows and house, for any horse, provided he shall not keep more than one, and shall not let it to hire.

Any rector, vicar, or curate, not possessed of 60l. per ann. who shall not keep more than one horse.

Horses used in the volunteer service.

Persons letting horses for less than a year, and race horses, - - - £ 2 17 6

Horses under 13 hands high are exempt from the 14s. duty; but if rode, are liable to the higher duty.

Horses employed in agriculture,	0	3	6
In trade, - - - - - -	0	10	8
Farmer's rack rated under 20l.	0	3	0

Post horses 1 1-2 a mile or 1s. 9d. a day. Annual license for do. 5l.

HORSE DEALERS.

To deliver a list of horses kept for riding or drawing,

Annual licence in London - -	£ 25	0	0
Do in the country, - -	12	10	0

DOGS.

For every hound, pointer, setting-dog, spaniel, lurcher, or terrier, and those who keep two or more dogs, of whatever denomination, for each dog 14s. Greyhounds, 20s.

For a single dog kept by or for the use of any person inhabiting a dwelling-house assessed in any of the duties on houses, windows, and which is of a different species, 8s.

Persons not paying taxes may keep one dog, if not hound, &c.

Whelps under six months old not chargeable.

Composition for hounds, 36l.

Allowance on account of children.

Persons having more than two children born in lawful wedlock, and *bona fide* maintained at their expence, are entitled for every child above two to an allowance of 20l. per cent. on the amount of all the assessments on such persons, if the assessment is under 40l. a year.

The children by any former marriage, equally entitle the surviving husband or wife maintaining such children, to the allowance, as his or her own children.

If two or more dwelling houses, he is to obtain a a certificate of the amount of duties charged on him respect of each dwelling-house not situate in the parish where he makes the claim.

And if he is guilty of any fraud in making the claim, or delivers a false declaration or a false certificate, he will forfeit 100l. Persons claiming, must give notice to assessors, before August 30.

CARRIAGES WITH FOUR WHEELS.

Kept for a person's own use or let out to hire.

1 Carriage	£ 12	0	0	6 Carriages	£ 98	8	0
2	26	0	0	7	119	0	0
3	42	0	0	8	140	16	0
4	60	0	0	9	163	7	0
5	78	15	0				

Every other carriage - - -	18	13	0
Every additional body used on the same carriage, - - - - - -	6	6	0
Carriages let to hire for less than 28 days having four wheels, stage coaches and post chaises, - - - - - -	10	10	0
Ditto (not entered) - - -	12	0	0

CARRIAGES WITH TWO WHEELS.

Kept for a person's own use, or let out to hire, and drawn by one horse, -	6	10	0
By two or more horses, - - -	9	0	0
Every additional body used on the same carriage, - - - - - -	3	3	0
Carriages not used in husbandry -	2	0	0

Carriages sold by auction or commission.

Every person selling annually, -	0	10	0
Carriage with four wheels, - -	1	5	0
With two ditto, - - - -	0	12	6

COACH MAKERS.

Persons carrying on the trade annually £	0	10	0
Carriage with four-wheels built for sale,	1	5	0
With two ditto - - - - -	0	12	6

TAXED CARTS.

On which the owner's name and the words *"a taxed cart"* are written, price not exceeding 15l. - - - - -	1	9	6
With springs, excepting those of metal, and the price of which shall not have exceeded 21l. - - - - - -	2	15	0

Persons liable to the duties for four wheel carriages or two male servants, to pay 6l. 10s. or 9l. as drawn by one or two horses.

Makers of tax-carts annually 3s. Every tax cart made, 3s.

Male Servants—in or out of Livery.

1 Servant	£ 2	8	0	7 Servants	34	1	0
2	5	18	0	8	40	13	0
3	10	10	0	9	50	18	9
4	16	1	0	10	62	0	0
5	22	14	0	11	78	3	0
6	28	13	0	Every other	7l. 18s. each		
Batchelors' servants, an additional					2	0	0

OTHER SERVANTS.

Gardeners not constantly employed 1l. Every male traveller or rider, 3l. More than one, each 5l. Every male clerk, book or office-keeper, (except apprentices under a fee of 20l.) 2l. More than one, each 3l. Shop-men, warehouse-men, porter (except said apprentices) 2l. Waiters, (occasional ones exempt) each 3l. Servants to take care of race-horses, whereby the stable keeper may profit, 2l. Servants, retained for husbandry, manufactures or trade, at times, in any domestic employment, 10s.

If at any time as groom, stable-boy, or helper, where the master or mistress chargeable for only one horse, for riding or drawing a taxed cart only, -	0	10	0
Coachman, postillion, groom or helper, kept to be let out for less than a year, and in such manner that the duty payable on horses to let or hire shall not be paid by the innkeeper, postmaster, coachmaker, &c. &c. - - - - - -	2	10	0

If the person hiring such servant does not give notice as required by this act, the progressive duty shall be charged on him.

TOBACCO.

Tobacco 2s. 5d. per lb. Additional duty 10l. per cent.

HAIR POWDER.

Annual duty 1l. 3s. 6d.

ARMORIAL BEARINGS.

Persons keeping a carriage charged with the assessed taxes, - - -	2	8	0

Housekeeper, not keeping a carriage, 1l. 4s. Other person, 12s.

GENERAL POST.

Letters taken.	Meas'd. Miles.	sgle. d.	dbl. s.	dbl. d.	treble. s.	treble. d.	ounce. s.	ounce. d.
Any distance not exc'dg.	20	4		8	1		1	4
Above 20 and not exc'dg.	30	6	1		1	6	2	
30 - -	50	7	1	2	1	9	2	4
50 - -	80	8	1	4	2		2	8
80 - -	120	9	1	6	2	3	3	
120 - -	170	10	1	8	2	6	3	4
170 - -	230	11	1	10	2	9	3	8
230 - -	300	12	2		6		4	

Above 300 and not exceeding 400 measured miles, single letter, 3d. double, 4d. treble, 6d. an ounce, 8d. additional, and so on in proportion.

Foreign—single, 6d. double, 1s. treble, 1s. 6d. ounce, 2s.

NEW APPRAISEMENT ACT,

Or valuation of any estate or effects, real or personal, or of an interest therein; or of the annual value thereof; or of any dilapidations; or of any repairs wanted; or of the materials and labor used and to be used in any buildings; or of any artificers work whatever.

		s.	d.
Any valuation or appraisement, on vellum, parchment, or paper where the amount shall not exceed,	50l.	2	6
Exceeding 50 and not exceeding	100	5	
100 - - -	200	10	
200 - - -	500	15	
500 and upwards		20	
Appraisers license - - -		6	

Persons appraising property for hire to be deemed appraisers.

Annual licenses commence the 6th of July. Penalty on appraising without a license, 50l. Auctioneers duly licensed may act as appraisers. Penalty on neglecting to insert any valuation on a proper stamp, 50l. Penalty on persons receiving appraisements without a proper stamp, 20l. When appraisements extend to more than one piece of paper, &c. only one stamp to be used.

INCOME OR PROPERTY TAX.

Income that does not exceed 50l. is exempt; and to 150l. an allowance is made of 1s. in the pound.

TABLE OF INCOME, ILLUSTRATED BY EXAMPLE.

Income £.	Deduction £.	Deduction s.	Payment £.	Payment s.	Income £.	Deduction £.	Deduction s.	Payment £.	Payment s.
51	4	19	0	8	80	3	10	4	10
52	4	18	0	6	90	3	0	6	0
53	4	17	0	9	100	2	10	7	10
54	4	16	0	12	110	2	0	9	0
55	4	15	0	15	120	1	10	10	10
56	4	14	0	18	130	1	0	12	0
57	4	13	1	1	140	0	10	13	10
58	4	12	1	4	150			15	0
59	4	11	1	7	and 2s. for every succeeding pound.				
60	4	10	1	10					
70	3	0	3	0					

EXAMPLE I.

£ 60. at 10 per cent. 6*l.* duty; but as 60*l.* wants 90*l.* of 150*l.* 90*s.* or 4*l.* 10*s.* is taken from 6*l.* leaving 1*l.* 10*s.* to be paid by the person possessing an income of 60*l.* per annum.

EXAMPLE II.

£. 135. at 10 per cent. is 13*l.* 10*s.* full duty; but as 135*l.* is 15*l.* less than 150*l.* 15*s.* is deducted from 13*l.* 10*s.* leaving 12*l.* 15*s.* to be paid by the person possessing an income of 135*l.* per annum, which may be seen by inspecting the above table.

Persons who upon oath prove that their labor has not produced more than 5*s.* in one day, or 30*s.* in one week are exempt.

Persons actually possessing any landed or funded property not liable to any deduction from the 10 per cents.

ANNUAL LICENCES.

	£.	s.	d.
Ale, beer, cyder, or porter, by retail	2	2	
Auctioneers and appraisers		6	
Bankers	20		
Brewers. Every common brewer of table beer.	1		
Every common brewer of strong beer, if the quantity brewed within the year (ending the 5th of July) previous to taking out the licence shall not exceed one thousand barrels	1	10	
Exceeding 1000 and not 2000 barrels	2		
Exceeding 2000 and not 5000	5		
Exceeding 5000 and not 7500	7	10	
Exceeding 7500 and not 10,000	10		
And for every 10,000 bbls up to 40,000 10*l.* Exceeding 40,000	50		

Every person who shall first become a brewer of strong beer, 1*l.* 10*s.* and within ten days after the 5th of July next, such addition as, within the said sum shall amount to the duty before directed to be paid, according to the number of barrels brewed within the year.

Candles. Makers of wax or spermaceti candles.	6		
Dealers in ditto, not being a maker		10	6
Chandler, or maker of other candles	1		
Coachmakers. Persons carrying on the trade		6	
Coffee, &c. Dealers in coffee, tea, cocoa nuts or chocolate		5	6
Glass. Glass-makers, for each glass-house	10		
Hats. Licence for vending by retail within London or Westminster, or the lists of the two-penny post	2		
In any other place than as last above mentioned		5	
Hides and Skins. Tanners within the weekly bills.	5		
Other tanners	2	10	
Tawers or white leather dressers	1		
Dressers of hides and skins in oil; and curriers	2		
Makers of vellum or parchment	1		
Hawkers	4		

Hawkers to have their number and the words "licenced hawkers" inscribed on every package or carriage, and his handbill or advertisment, affixed in any shop or room that he may take to expose his goods under a penalty of 10*l.* Every hawker selling goods by auction, where he is not a householder or resident, liable to a penalty of 50*l.* Hawker selling smuggled goods to forfeit their licence and incapable of being again licenced. Persons forging or using a forged licence, penalty 300*l.* Persons letting out, hiring, or lending licences, penalty 40*l.* Persons trading without a licence, 10*l.* Peace officers neglecting or refusing, upon notice, or view, to aid and assist in the execution of this act, each offence, 10*l.*

By an act of the last session, to amend and explain the hawker's act, persons, or their servants, conveying their goods from house to house, shop to shop, and selling at wholesale prices, in any quantity, to persons retailing them, and not for their own use, are exempt; also persons hawking coals, but not wood.

Lace.—Dealers in foreign thread lace	3	3	
Dealers in British thread lace		5	

If any dealer shall keep more than one house, shop, warehouse, or place, where he exposes thread lace to sale, such dealer shall take out a distinct license for every apartment so kept.

Lottery offices	50		
Malsters.—If the quantity of malt made within the year, ending 5th of July in the year (previous to taking out the license) shall not exceed fifty quarters		5	
And 5*s.* extra for every fifty quarters.			
Persons becoming a malster to pay		5	
Medicines (Quack) in the bills	1		
——— in incorporate towns		10	
Elsewhere		5	

Duty on do.—Under and not exceeding 1s. 1 1-2d. Thence to 2s. 6d.—3d. Do. 4s.—6d. Do. 10s.—1s. Do. 20s.—2s. Do. 30s.—3s. Do. 50s.—10s. All above 50s.—10s.

Metheglin or mead.—Every maker for sale	1		
Physic.—To exercise the faculty of	10		
Paper.—Makers of paper or pasteboard, and paper stainers	2		
Pawnbrokers, in the bills	10		
Elsewhere	5		
Plate.—For persons trading in gold from 2 dwts. to 2 oz. and silver from 5 dwts. to 30 oz.		2	6
All above that quantity, including pawnbrokers and refiners	5	15	
Post horses		5	
Public music gardens		3	3
Theatres for music, songs, &c.		2	
Printed goods.—Calico printers, and every printer, painter, or stainer of linens, cottons or stuffs	10		
Soap.—Makers of soap for sale		2	
Tea dealers		5	6
Tobacco and snuff.—Manufacturers of tobacco and snuff, within the year ending the 10th of October (previous to taking out the license) shall not have exceeded 20,000 lbs. weight		2	

And for every 10,000 lbs. weight 1*l.* extra up to 100,000 lbs.—If 100,000 lbs. and not 120,000 lbs. 12*l.* If 120,000 lbs. and not 150,000 lbs. 15*l.* If the same shall have exceeded 150,000 lbs. 20*l.*

Persons first becoming a manufacturer	2		
Dealers in do. (if within the limits of the chief officer in London or Edinburgh)		5	
In any other part of Great Britain		2	
Spirits.—Distillers or makers or low wines or spirits for sale or exportation	10		
Rectifiers, within England		5	
Dealers in brandy or other spirituous liquors or strong waters, not being a retailer		5	
Retailers, &c. in Great Britain, if the dwelling house shall not be rated at 15*l.* per annum	4	14	

If at 15*l.* and under 20, 5*l.* 2*s.*—20*l.* and under 25, 5*l.* 10*s.*—25*l.* and under 30, 5*l.* 18*s.*—30*l.* and under 40, 6*l.* 6*s.*—40*l.* and under 50, 6*l.* 14*s.*—50*l.* or upwards, 7*l.* 2*s.*

Starch.—Starch makers - - - 5

Sweets.—Makers of sweets or made wines, other than mead, 5*l.* retailers of do. 2 4

Vinegar—Makers of vinegar, for sale 10

Wine—Retailers of foreign wines who shall not have an excise license for retailing distilled spirituous liquors, or a license for the retailing of beer - - - - 5 4

If he shall have taken out license for retailing beer but not spirituous liquors 4 4

Wire drawers—Gilt or silver - - 2

LEGACIES AND PERSONAL ESTATES.

Where the testator, testatrix or intestate, died before, or on April 5, 1805, and discharged after Oct. 10, 1808.

Brother or sister of deceased, or descendants, per cent. - - - - - - 10

Brother or sister of the father or mother of the deceased, or any of their descendants - - - - - - - - - 4

Brother or sister of a grandfather or grandmother, or any of their descendants 5

Other degrees of consanguinity, or any stranger in blood - - - - - 8

After April 5, 1805, discharged as above.

Child of the deceased, or any of its descendants - - - - - - - 1

Brother or sister of the deceased, or, &c. 2 10

Brother or sister of the father or mother, &c. 4

Brother or sister of the grandfather, &c. 5

Other degrees of consanguinity, or stranger in blood - - - - - - 10

Husband or wife of the deceased, and the royal family exempt.

Annuities, or any other partial benefit, out of any such estate or effects shall be deemed legacies.

NEW STAMP DUTIES—48 Geo. III. Cap. 149.

RECEIPTS.

	s. d.		s. d.
For 2*l.* and under 10*l.*	0 2	100*l.* and under 200*l.*	2 0
10*l.* 20*l.*	0 4	200*l.* 500*l.*	3 0
20*l.* 50*l.*	0 8	500*l.* and upwards (and rec'ts in full)	5 0
50*l.* 100*l.*	1 0		

The stamp to be at the expence of the party giving the acquittance.

PROMISSORY NOTES,

To bearer on demand for any sum of money.

	s. d.		s. d.
Not above 1*l.* 1*s.*	0 4	Abo. 20*l.* not abo. 30*l.*	3 6
1*l.* 1*s.* not above 2*l.* 2*s.*	0 8	30*l.* 50*l.*	4 0
2*l.* 2*s.* 5*l.* 5*s.*	1 0	50*l.* 100*l.*	7 6
5*l.* 5*s.* 20*l.*	1 6		

Said notes not exceeding 2*l.* *s.* may be re-issued as often as thought fit; and not above 100*l.* from time to time, during three years from date.

PROMISSORY NOTES,

In any other name than to bearer on demand, not re-issuable.

	s. d.		s. d.
For 2*l.* not abo. 5*l.* 5*s.*	1 0	For 30*l* not above 50*l.*	2 0
5*l.* 5*s.* 30*l.*	1 6	50*l* 100*l.*	3 0

PROMISSORY NOTES,

Either to bearer on demand, or in any other manner, not re-issuable.

	s. d.		l. s. d.
For 100*l* not abo. 200*l.*	4 0	For 1000*l* n't 3000*l*	0 10 0
300*l* 500*l.*	5 0	Above 3000*l*	1 0 0
500*l* 1000*l.*	7 6		

Promissory notes payable by instalments; the same as after date.

INLAND BILLS OF EXCHANGE.

	s. d.		l. s. d.
For 2*l.* and not above 5*l.* 5*s.*	1 0	Above 200*l.* not abo. 500*l.*	0 5 0
Above 5*l.* 5*s.* 30*l.*	1 6	500*l.* 1000*l.*	0 7 0
30*l.* 50*l.*	2 0	1000*l.* 3000*l.*	0 10 0
50*l.* 100*l.*	3 0	3000*l.*	1 0 6
100*l.* 200*l.*	4 0		

Foreign bills of exchange, or bills of exchange drawn in, but payable out of Great Britain, if drawn singly and not in a set, the same duty as on inland bills.

P. S.—Bankers checks drawn ten miles from the residence of the bankers, must be stamped as a bill of exchange, and specify the place from whence drawn, payer, and acceptor of any check drawn contrary to this act, will effectually prevent the payment of any such draft in future.

Post dating, if on plain paper, liable to the same penalties.

FOREIGN BILLS OF EXCHANGE.

	s. d.		s. d.
Not above 100*l.*	1 0	Above 500*l.* not above 1000*l.*	4 0
Above 100*l.* not above 200*l.*	2 0	1000*l.* 3000*l.*	5 0
200*l.* 500*l.*	3 0	3000*l.*	10 0

Every bill of each set is chargable with the respective duties, bank of England exempted, paying yearly £42,000.

PROTESTS ON BILLS OF EXCHANGE OR PROMISSORY NOTES.

	s. d.		s. d.
Under 20*l.*	2 0	100*l.* under 500*l.*	5 0
20*l.* under 100*l.*	3 0	500*l.* or upwards	10 0

Protest of any other kind 5 0

For every succeeding sheet, a progressive duty of 5 0

Inland promissory notes, bills of exchange, &c. for less than 20*s.* void—Persons uttering such notes or bills, for less than 20*s.* &c. shall forfeit, not exceeding 20*l.* nor less than 5*l.*

BONDS.

	l. s. d.		l. s. d.
Not above 100*l.*	1 0 0	Not above 4000*l.*	6 0 0
300*l.*	1 10 0	5000*l.*	7 0 0
500*l.*	2 0 0	10000*l.*	9 0 0
1000*l.*	3 0 0	15000*l.*	12 0 0
2000*l.*	4 0 0	20000*l.*	15 0 0
3000*l.*	5 0 0	Above 20000*l.*	20 0 0

BONDS TO SECURE ANNUITIES,

Or, sums of money at stated periods, for term of life, or other indefinite period, so that the money cannot be previously ascertained.

	£ s.		£ s.
Under 10*l.*	1 0	400*l.* & under 500*l.*	6 0
10*l.* and under 50*l.*	1 10	500*l.* 750*l.*	7 0
50*l.* 100*l.*	2 0	750*l.* 1000*l.*	9 0
100*l.* 200*l.*	3 0	1000*l.* 1500*l.*	12 0
200*l.* 300*l.*	4 0	1500*l.* 2000*l.*	15 0
300*l.* 400*l.*	5 0	2000*l.* or upwards	20 0

APPRENTICESHIP OR CLERKSHIP.

Indentures except articles of clerkship to attorneys and others specifically charged.

	£ s.		£ s.
A premium of 30*l.*	0 15	400*l.* to 500*l.*	20 0
30*l.* to 50*l.*	1 10	500*l.* 600*l.*	25 0
50*l.* 100*l.*	2 10	600*l.* 800*l.*	30 0
100*l.* 200*l.*	5 0	800*l.* 1000*l.*	40 0
200*l.* 300*l.*	10 0	1000*l.* or upwards	50 0
300*l.* 400*l.*	15 0		

Where no consideration as aforesaid; if the indenture does not contain more that 1080 words, - - - - - 0 15 0

The same containing more than that quantity - - - - - - 1 10 4

On indentures assigned or turned over, duty in proportion to the value of new consideration only.

Where no new consideration, if the indenture does not contain more than 1080 words, - - - - - - - 0 15 0

The same containing more than that quantity, - - - - - - 1 10 0

Where duplicates, each part shall be charged with the duty aforesaid, where it does not exceed thirty shillings; and above that sum only one part shall

be charged with the ad valorem duty and the other part with a duty of, 1 10 0

Charity children bound, or assigned to a new master exempt.

ARTICLES OF CLERKSHIP.

To any attorney or solicitor in any of his majesty's courts of Westminster, sworn clerk, clerk in court, or side clerk in the court of chancery, court of exchequer, or proctor in ecclesiastical court, 120 0 0

—— in any of the courts of Wales, Chester, Lancaster, and Durham, holding pleas where debt or damage amounts to 40*s*. - - - - - - - 55 0 0

Duplicates of any such articles, - 1 10 0

Persons having paid the 120*l*. duty on the first instance, and enters into articles in any other court, - - - - - 1 10 0

Deeds, awards, charter-parties and other instruments containing 2160 words, 1 10 0

If above 2160, then for every 1080 over and above the first 1080, a further progressive duty of 1 0 0

AGREEMENTS.

Of 1080 words	0 16 0	Every 1080 words over the 1st 1080	1 0 0
More than 1080 do.	1 10 0		

Letters stampt to produce as evidence 1 0 0

Debentures 4*s*—Inventory or schedule 1*l*—and the same sum for every 1080 words after the first 1080—Transfer of bank or south sea stock 7*s* 9*d*—of East India stock 1*l* 10*s*—Letter or warrant of attorney 1*l*. Letter, or power of attorney for petty officers, seamen, marines or soldiers, for receiving prize-money, 1*s*.

Bill of lading to be exported	0 3 0	Passport .	0 5 0
Indemnity bond	1 0 0	Bond relating to excise or custom	0 15 0

POLICIES OF INSURANCE UPON LIVES.

Under 500*l*	0 15 0	500*l* or upwards	1 10 0

Upon buildings, goods, merchandize, &c. from fire only - - - - - - 0 1 0

Upon coasting ships, vessels, goods or freight.

Premium under 20*s* per cent. any sum not above 100*l* - - - - - - 0 1 3

Above 100*l* for every 100*l* or fractional part 0 1 3

Premiums above 20*s* per ct. not above 100*l* 0 2 6

Above 100*l* for every 100*l* or fractional part 0 2 6

Separate interests in one policy 1*s* 3*d* or 2*s* 6*d* in respect of each 100*l* or fractional parts, as the case may require.

Any other voyage not exceeding twelve months.

Premium above 20*s* per cent. pays double the above.

POLICY OF MUTUAL INSURANCE.

Upon any coasting voyage, for every 100*l* or fractional part. - - - - 0 2 6

Upon any other voyage not exceeding 12 months, every 100*l* or fractional part, insured to any person - - - - - 0 5 0

Insurances (not before charged) from loss or damage of any kind, pay, in every case, double the duties laid upon coasting ships, &c.

Assignation or assignment of any property, real or personal, not otherwise charged nor expressly from duty - - - - - - - 1 10 0

And where the same shall contain 2160 words or upwards, then for every entire quantity of 1080 words contained therein, over and above the first 1080 words a further progressive duty of 1 0 0

AWARD in England or Scotland 1 10 0

And for every 1080 words above the first 1 0 0

LETTERS of mark and reprisal 5 0 0

Letter or warrant of attorney 1 0 0

Letters or power af attorney for petty officers, seamen, mariners or soldiers, for receiving prize money. 0 1 0

LICENCE for marriage in Eng. if special 5 0 0

if not special 0 10 0

Licence not otherwise charged, which shall pass the seal of any archbishop, bishop, chancellor, or other ordinary 2 0 0

MEMORIAL to be registered pursuant to any act for registering of deeds 0 10 0

COMPOSITION—Deed of, between debtors and their creditors 1 10

CONVEYANCES.

CONVEYANCE, whether grant, assessment, transfer, release, renunciation, or of any other kind upon the sale of any lands, tenements, rents, annuities, or other property, real or personal, ! eritable or moveable, where the purchase or consideration shall not amount to 50*l*—15*s*.

	£. s. d.		£. s. d.
50 and not 150	1 0 0	5000 and not 7,500	50 0 0
150 and not 300	1 10 0	7500 and not 10000	75 0 0
300 and not 500	2 10 0	10000 and not 15000	100 0 0
500 and not 750	5 0 0	15000 and not 20000	150 0 0
750 and not 1000	7 10 0	20000 and not 30000	200 0 0
1000 and not 2000	10 0 0	30000 and not 40000	300 0 0
2000 and not 3000	20 0 0	40000 and not 50000	400 0 0
3000 and not 4000	30 0 0	50000 and upwards	500 0 0
4000 and not 5000	40 0 0		

And where any freehold shall be conveyed by feoffment with or without any letter of attorney therein contained to deliver, seisin, or by a deed of bargain and sale enrolled, such deed, feoffment or bargain and sale, unless accompanied with a lease and release, shall be charged with a further duty as follows:

If the consideration should be under 50*l*. 0 15 0

If it shall amount to 50 and not to 150*l*. 1 0 0

If 150*l*. and upwards - - - - 1 10 0

MORTGAGES.

Not above 50*l*.	0 15 0	Not above 3000*l*.	6 0 0
do 100*l*.	1 0 0	do 4000*l*.	7 0 0
do 150*l*.	1 10 0	do 5000*l*.	8 0 0
do 300*l*.	2 0 0	do 10000*l*.	10 0 0
do 500*l*.	3 0 0	do 15000*l*.	12 0 0
do 1000*l*.	4 0 0	do 20000*l*.	15 0 0
do 2000*l*.	5 0 0	Exceeding 20000*l*.	20 0 0

Probates and Letters of Administration.

Letters of administration or probate of a will of any person deceased, exclusive of what the deceased shall have been possessed of, as a trustee and not beneficially.

	£	s.	d.
Above the value of 20l. and under 100l.	0	10	0
Above 100l. and under 200l.	2	0	0
Above 200l. and under 300l.	5	0	0
Above 300l. and under 450l.	8	0	0
Above 450l. and under 600l.	11	0	0
Above 600l. and under 800l.	15	0	0
Above 800l. and under 1000l.	22	0	0

And so in proportion up to 500,000l. or upwards, for which the duty is 6000l.

Exemptions.—Letters of administrations and probates of will, of any common seaman, marine, or soldier, who shall be slain, or die in the service of his majesty.

Transfer of Bank or South-Sea stock 1 7 0

East India stock - - 1 10 0

Bill of Lading to be exported	0 3 0	Passport	1 5 0
Indemnity bond	1 0 0	Bond relating to excise or custom	0 15 0

Debentures, entitling any person to receive any drawback of duties or bounty of customs, or excise for goods exported 0 4 0

Deputation or appointment of a gamekeeper - - - - - - 1 10 0

Faculty, licence or commission for admitting a notary public 30 0 0

Inventory or Schedule, - - - 1 0 0

And the same sum for every 1080 words after the first 1080.

Bargains and Sale (or lease) for a year to accompany a release of the freehold upon sale thereof, where the purchase money in the release shall not amount to 50*l.* - - - - 0 15 0

Amounting to 50*l.* and not 150*l.* 1 0 0

150*l.* and upwards - - - 1 10 0

Certificate, to be taken out yearly, by every attorney or solicitor, and by every proctor, if he reside within the limits of the two-penny post, and shall have been admitted for the space of three years and upwards - - - 10 0 0

For less than three years - - 5 0 0

Residing in the country, having been admitted three years or upwards 6 0 0

If he shall not have been admitted three years - - - - - 3 0 0

The like certificate to be taken out yearly by every person being a member of the four inns of court, who shall, in the character of a conveyancer, special pleader, or draftsman in equity, act with a view to any fee or reward 10 0 0

Certificate of Marriage, except of any common seaman, mariner, or soldier - - 0 5 0

Certificate of goods having been duly entered inwards and issued for enabling any person to obtain a debenture or certificate, entitling him to receive any drawback of duties or customs - - - - - - 0 4 0

STAGE COACH AND POST HORSE DUTIES.

Where there are more outside passengers than are allowed by this act, such penalties to be imposed upon the owner or any person driving such carriage aftermentioned, provided that no child in lap, or under seven years of age shall be included, unless more than one, that two of such children shall be equal to one grown person, and so in proportion.—No person paying as an outside passenger shall be permitted to sit as an inside passenger, unless with the consent of one inside passenger next to whom such outside passenger shall be placed. Where such coach is wide and commodious, and duly licensed, four outside passengers shall be permitted to sit in the front, but the number shall not exceed ten.—Height of stage coaches eight feet nine inches from the ground. No luggage to be carried on the roof exceeding two feet in height, if drawn by four horses, or eighteen inches if drawn by two or three. No passenger to sit on luggage under a penalty of 50*s.*

If with four horses ten outside—two or three horses five outside—long or double bodied eight outside, exclusive of coachman but including guard.

Penalty 10*l* on coachman permitting another to drive.

Penalty 10*l* on carrying more outside passengers than the license permits. Summons left with the book-keeper to be good service. Drivers of stage coaches leaving their horses, or neglecting their duty, penalty not less than 10*s* or more than 10*l.*—Not to extend to hackney coaches drawn by two horses only. Drivers incapable by intoxication, retarding his majesty's mails, or not accounting for passengers and parcels taken by them, shall be committed.

If the guard fires off his arms except for defence. to forfeit 5*l.* Carriages of a certain description, carrying no luggage except in the inside or boot, to carry an additional number of passengers. Hackney coach stages are exempted from the operations of this act.

Any person letting horses to travel post, or for a day, or any less period than 28 successive days, to pay a licence of - 0 5 0

Any person who shall keep a public stage coach, for carrying not more than four inside passengers (children in lap excepted) to pay yearly for each carriage 0 5 0

Carrying more than four, and not more than six inside - - - - - - - 0 6 0

If more than six, not more than eight - 0 7 0

If more than eight, not more than ten - 0 9 0

The christian and surname of the proprietors must be painted on the outside pannel of each door, with the name of the place from whence they set out and to which they are going, on pay of 10*l.*

Every licensed proprietor of any such carriage, who shall discontinue the same, shall give notice in writing seven days before, and shall have such notice indorsed upon his license or bond, and from thenceforth he shall be no longer chargeable.

Post masters, inn-keepers, and other persons, letting post horses, without a license, forfeit 10*l.* and keeping more than one inn under one licence, 20*l.*

And must also have "licensed to let post-horses," on the fronts of their houses, on pain of 5*l.*

THE QAURTERING OF SOLDIERS.

By an act passed the twenty-ninth of June, 1810, inn-keepers are allowed eight pence per day for each non-commissioned officer and soldier quartered on them, and are required to supply them with a pound and a quarter of meat previous to being cooked, one pound of vegetables, one pound of bread, two pints of small beer, and pepper, salt and vinegar.

And the sum of one shilling and two pence for hay and straw per day, for each horse, instead of sixpence.

The former mode of furnishing diet to non-commissioned officers and soldiers is repealed, and in lieu thereof, all commissioned officers and soldiers are to receive diet and small beer from their quarters, at the rates above prescribed while on their march; as also on and for the day of their arrival at the place of their final destination, and the two subsequent days, unless the subsequent day shall be a market day in the town where such soldiers shall be billetted, or within two miles thereof, in which case the innholder may discontinue, on such market day, the supply of diet and small beer, and furnish in lieu thereof, the articles in the said act, specified at the rate before mentioned.

Important Argument.

From the Providence (R. I.) Phoenix.

On the 4th inst. a novel and highly interesting question was argued before the district court of the United States, holden by his honor judge HOWELL, in this town, in the case of a libel against the ship *Aurora*, of Newburyport, prize to the privateer Governor Tompkins, of New-York, found sailing under a British Licence. The principal documents produced on the part of the libellants were—a Consular copy of a letter from admiral Sawyer, commanding on the Halifax station, referring to a previous correspondence between the admiral and Andrew Allen, jun. British Consul at Boston, on the subject of supplies from America, reciting the necessity and policy of maintaining a constant supply of provisions from America to the British West India islands, with assurances to the Consul that his majesty's vessels of war would be directed to permit to pass and fully to protect all American vessels so laden and bound, and which should have on board the pass or licence of the consul, with a copy of the admiral's letter authenticated by the consul; also, a pass signed by the Consul at Boston, with such authenticated copy annexed; also, a pass of the

consul from Newburyport for Norfolk, the port where the Aurora was to take in her cargo for the West-Indies.——The official papers explicitly stated the intention to be, a supply of the British West India Islands, although the ship's papers purported a voyage to a neutral port. There was some other matter connected with this cause, but the above evidence founded the point most interesting to the community. We present a statement of the case, more from the magnitude of the legal question than a wish to make it a subject of mere party discussion; but at the same time we think it a duty incumbent on every American, most pointedly to reprobate a practice so manifestly criminal and injurious to the country.

In the opening of the case John Woodward, esq. a distinguished counsellor from the city of New-York, occupied nearly 8 hours in a series of the most cogent and connected arguments, during no moment of which period, was the attention of the court or audience suspended. What peculiarly distinguished this gentleman's reasoning was, that he urged no position or doctrines which he did not support by the production of some principle of the law of nations, or some decision founded on that law. It cannot be expected that we should, from memory, precisely state the whole of Mr. W's very ingenious and truly legal disquisitions, which extorted the most respectful approbation of the Bench, and the admiration of the auditory. As a preliminary ground, he clearly established, that the statuary forfeitures of Congress had no bearing on the case, excepting so far forth as a binding municipal regulation was auxiliary to the provisions of internal law. His main proposition was, "That obtaining from an authorised agent of Great Britain, pay for sailing under, and exhibiting upon the high seas, as protection for the voyage, a British License of pass and trade, by an American citizen, without the permission of his own government, the two countries being at war, are in themselves cause of capture and condemnation, as prize of war." To support this proposition, a variety of grounds were taken, among which were—That licences were factitious and not a part of the law of nations; but the creatures, 1st of prerogative, and that confined to municipal regulation; or 2d, of compact; or 3d, of parliamentary provision; that the licences in question were against the nature and law of war, as they put it in the power of particular individuals to relax or abate the rigor of the war; against the obligation of allegiance; and that the stipulations of such licences could not be enforced by any known law: That the obtention and possession of those licences of pass and supply, and the sailing under them, knowing of the war, was a *trading* with the enemy, independent of the port of destination, and of the right of property, which may be the subject of such trade; That the case of a licence to trade to a citizen or subject from his own sovereign, was distinct from that of a licence to a citizen or subject of one of the belligerents from the enemy, without the sanction of his own government; and would be the supposed case of the neutral, for no question like the present could arise between the neutral citizen or subject and his own nation, as that nation would not be a party to the war, and the description of rights here involved would not in that case be in question.

"The question," said Mr. Woodward, "whether the property be American or British, matters not, provided the indirect or direct trading with the enemy be established. If you use your property so as commercially to benefit and carry into effect the *prescribed and stipulated commercial views* of the enemy, and under a *formal license of protection or supply*, this is as much trading with the enemy, as if the subject of trade were the property of the enemy, and the destination an enemy's port. In the latter case you trade *direct*—in the former *indirect*. If a different doctrine prevailed, a national right would be sacrificed at the shrine of the meanest artifice."—"But," continued Mr. W. if you *pay* the enemy for such a license, the case is still stronger, as the transit of the medium of commerce stamps a commercial character upon the transaction; and in this light alone converts it into a supply." "As to the locality in the inception of the this transaction," Mr. W. said, "it is the known legal rule of construction, that its deleterious character is communicated to the ship, the cargo, and the voyage, for which the transaction is intended to provide, and which are described on the face of the license.

In the close of his very able and luminous brief, Mr. *Woodward* observed, that "much as to the interpretation and inapplication of the rules of the law of nations, will depend upon the *character* of the war in which we are engaged. The war of the United States with Great Britain (he proceeded) is a war between two maritime and commercial nations, in support of an independent commerce. The rules of decision which have applied the law of nations *to the conduct of the citizens of each belligerent;* have been always so construed and applied as to effectuate the notorious reasons and policy of the war. This is not a theory, but has been emphatically pronounced by the decisions to which I have referred; and it will be found by those decisions, that the principles of the law of nations have always been, *under legal discretion*, restrained or enlarged, so as to effectuate and not intercept the notorious and avowed policy of the war. And more particularly has this principle been enforced upon questions arising upon the conduct of a citizen of one of the belligerents with his own nation; which is the present case. To trade with, or hold a *commercial intercourse*, whether by persons or property, with the enemy, without the license of one's own government, is proven by all the writers upon the law of nations, and all decisions touching this point, as adverse to the policy of war waged for the purpose of commerce—that it amounts to a misdemeanor, and is cause of confiscation and condemnation. Suppose our citizens be permitted thus to obtain, pay for, and act upon these licenses; they would be in the practice of all the evils and derangements which the law of war is intended to prevent; they would facilitate treacherous correspondence, information and supplies to the enemy—the very evils assigned for the prohibition of *all commercial intercourse*, or, in the language of sir William Scott, (in the case of the Jonge Pietre) "all communication, direct or indirect, without the license of government," with the enemy. The anomaly of a citizen at peace and his nation at war, would emphatically exist; nay—the absurdity of that citizen making his peace and his fortune by the disposition of the enemy, obtained adversely to that of his own government. It is also easy to perceive that by those licenses it would be in the power of the enemy to destroy or counteract the internal commercial policy and relations of the states, or politically to distract the union, by concentrating the trade into some particular state, or casting it into the hands of a particular party. It is the language of a finished civilian, that 'there is no such thing as a war for arms and a peace for commerce"

"If we silently permit our citizens to traverse the ocean under such licenses of pass and supply from the enemy, (Mr. W. added) it has been already proven, that by the basest collusion between Ameri-

can citizens and the British government, we enable the enemy to take by stealth a portion of our national sovereignty; and if this high principle of national honor thus *bear the touch*, it would be better to surrender the whole. In a commercial war, which is always preventative and restrictive, by such licenses of pass and supply, the enemy would assume the right of regulating the commerce and directing the capital of our own citizens; the independence and integrity of one of the belligerents would be less in the dependence and prospects of its citizens or subjects upon the authority or courtesy of the other: The civil relation, the national pride and the boasted morals of our countrymen would be corrupted or destroyed by the deleterious influence of foreign gain; and that distinguishing and repellant point of character which marks the American citizen, both at home and abroad, and which now stamps our national character upon the fears and the admiration of the world, would be found at the feet of the enemy, or lost in the mazes of British corruption."

This cause commenced on Thursday and continued until Monday afternoon, when the attorney-general Burrill, and Mr. Boss of Newport, as counsel for the claimants, (Clark and Wheelwright, of Newburyport) having closed a very elaborate and ingenious argument on their part, Mr. Robbins, U. States district attorney, was about commencing what we have no doubt would have been a finished plea in behalf of the libellants, when the court superceded an argument on his part, by pronouncing a very strong and able judgment, condemning the ship and cargo to the captors. It was remarked that the judge's opinions were in complete coincidence with the doctrines and arguments so powerfully enforced by Mr. Woodward.

In the course of his plea in the above case, Mr. Burrill stated, that it was within his knowledge, that a gentleman of this town purchased a British license in London for nine guineas, and the same license was afterwards sold in New-York for $ 1650.

JUDGE DAVIS'S OPINION

IN THE CASE OF THE BRIG HIRAM OF BALTIMORE.

MASSACHUSETTS DISTRICT.

DISTRICT COURT.

IN ADMIRALTY, Feb. 6, 1813.

ASA HOOPER *and als. Master, Owners, and Crew of the private armed brig Thorn,*

VERSUS

Brig Hiram and Cargo, JOHN B. BARKER, *master.*

Samuel G. Griffiths, *claimant of the vessel and 28 barrels of flour.*
Cornthwait & Carey, *and als. claimants of the residue of the cargo.*

This vessel, laden with flour and bread, sailed from Baltimore for Lisbon, on or about the 24th September last, and on the 15th of October was captured by the Thorn, and brought into the port of Marblehead. The vessel is not entitled to a register, but is duly documented as the property of Griffiths, the claimant, by a certificate from the collector's office at Baltimore, dated June 24th, 1811. Among the ship's papers, delivered to the captors, there was no document specifying the owners of the cargo. The supercargo, in his examination before the commissioners at Marblehead, on the 3d of Nov. declares the cargo (excepting 100 barrels of bread, the master's adventure) to be the property of several shippers at Baltimore, whose names he could not recollect, though he says he had received from them letters of instruction. The master, on his examination, November 14th, declares the property to be as it is claimed, naming all the shippers, as they now appear to be evidenced, excepting one, and states that he signed bills of lading to the several shippers. The omission of the name of one of the shippers in the master's evidence, is believed to be inadvertent, as the bills of lading were not in his possession. Four days after his examination, the supercargo delivered to the commissioners a bill of lading and invoice of the whole cargo, excepting the master's adventure. By those documents, Samuel G. Griffiths appears the sole shipper, and his orders to the supercargo are annexed, directing him, on his arrival at Lisbon, to dispose of the cargo, and to remit the proceeds to the shipper's correspondents in Liverpool, in England. The master also had written orders from Griffiths, the owner of the vessel, to make sale of her at Lisbon, if any advantageous offer should be made, and to remit the amount to England. By the affidavit of claim for the lading, made by the supercargo it is stated, that only twenty-eight barrels of flour belong to Griffiths; that the residue belongs to the other claimants in different proportions; that a separate bill of lading and invoice was made out for each shipper, excepting Griffiths; and that the master also signed a bill of lading for the whole of the cargo as the property of Griffiths; that all the separate invoices and bills of lading with the instructions of the respective shippers, were deposited with Griffiths for safe keeping, the supercargo having first taken extracts for his guidance in relation to the disposal of the cargo; that the general bill of lading with an invoice and letter of instructions from Griffiths, purporting the whole to be his property, were delivered to the supercargo at the time of sailing, and were on board at the time of capture. In explanation of this arrangement, it is stated, that it was thought advisable to have but few papers on board, in order to prevent embarrassment and delay, in case the vessel should be taken on her voyage, and carried into any foreign port. An objection was made to the admission of the papers delivered to the commissioners, by the supercargo, after the examination, but it was waved, and those papers were admitted by consent.

Among the papers found on board, was a license or protection, being a certified copy of a letter from admiral Sawyer to Andrew Allen, esq. late British consul at Boston, and an additional protection or letter of safe-conduct from Mr. Allen. The vessel being found sailing with these instruments, appears to have been the cause of the capture and bringing in, though other additional grounds for condemnation have been alleged and urged on the trial, particularly the destination of the proceeds of sale of vessel and cargo according to the instructions. The variance between the assorted interest in the cargo, and the papers on board, rendered further proof of property requisite. An order was made for that purpose, after a hearing upon the papers found on board, and the preparatory examination. Exceptions were made to the testimony of the master and supercargo, in some particulars, which were supposed to render further proof inadmissable. The omission to disclose the invoice, bill of lading and orders above mentioned, on the examination, is not indeed explained to entire satisfaction, especially on the part of the supercargo, to whom those papers were committed; and it must appear in a degree strange, that the supercargo should not be able, on his examination, to recollect the name of the shippers, whose property was committed to his management, and of whose instructions, though not then in his possession, he had taken minutes. I no-

tice the explanations that have been offered. The omission, as to the invoice and bill of lading, whatever may have been its character, whether voluntary or inadvertent, was speedily repaired by a delivery of the papers in question to the commissioners; and I do not find the exceptions to the evidence of such a description as to justify a peremptory conclusion against the owners, and to preclude an opportunity for further proof of their asserted claims. That proof has been produced, together with proof relative to the manner in which the license was procured. The evidence presented fully establishes the property to be as claimed, and supports the account given in the affidavit of claim, by the supercargo, as to the ownership and arrangement relative to this voyage. The reason given for this simulation of papers, which corresponds with that given by the supercargo, I must admit to be real, though I must add, that the proposed advantage does not appear of sufficient importance to require such a disguise. It has had the common effect of such simulations, to perplex the inquiry and give a dubious character to the transaction. I know that to a limited extent there is an indulgence to such disguises in courts of Admiralty, if the cause be explained to the satisfaction of the court, especially if intended to relieve from difficulties imposed by the restrictions of an enemy, and not originating in views to avoid or defraud the regulations of the country of the owners. The worst effect of such disguises, and it is a very serious one, is their liability to induce an adherence to papers on oath, by what has been denominated *ship morality*, too often widely different from that genuine morality, which is the basis of confidence and the great cement and support of social security and order.

Having permitted these claims to be verified by further proof, the real state of facts relative to the voyage is clearly evidenced, in every material circumstance. The vessel and cargo are wholly owned by citizens of the United States, the destination was for Lisbon, and the cargo was there to be sold on account and risque of the owners, the proceeds to be remitted to England.

The destination was a lawful one. But it is contended that the claims should be rejected and the vessel and cargo condemned to the captors. 1. On account of the British protection or license. 2. For the destination of the proceeds, or the directions relative to the remittance, which are said to be in violation of the law of war and the allegiance of the persons concerned in the voyage. These questions are novel and important—no express authority is produced by which they can be determined. There are no statute provisions on the subject, and it has fallen to my lot to examine the principles, to trace and estimate the analogies urged or suggested as ground of decision. The investigation has been pursued with diverted attention to other causes necessarily requiring a determination.

In regard to both the questions, it is obvious, that the considerations by which they are to be governed have reference merely to the rights and duties of a citizen in regard to his own country in a state of war. How the transaction would be viewed by the laws of nations, if the vessel had been captured by a ship of another belligerent with whom Great Britain is at war, makes no part of the present enquiry.

The license, as it is called, is composed of three papers—a copy of a letter from admiral Sawyer, dated at Halifax, Aug. 5, 1812. Mr. Allen's certificate, annexed to and authenticating the copy, dated at Boston, Sept. 15, and another certificate from the same gentleman of the same date, addressed to all officers of his Britannic majesty's ships of war, or of privateers belonging to his subjects.*

It is contended that these papers stamp a hostile character on this vessel and voyage, which is insurmountable and fatal; that the American character of the vessel and adventure is forfeited by an association with enemies, and by being voluntarily placed under the protection of the enemy's armed force, and it is further contended that the possession of such license is evidence of an illegal commercial intercourse with enemies, and of enemies' interest in the concern, or of a subserviency to the views of the enemy, in violation of the duties of the citizen and of his allegiance.

What shall constitute a hostile character, is sufficiently well determined in many instances, which are strongly marked. One characteristic is the sailing under the *flag and pass* of the enemy. This is conclusive to the character of the ship, and is a complete bar to the claims of an asserted neutral proprietor, (5 Rob. 13, Am. ed.) If assumed by a subject of the capturing belligerent, it would be equally conclusive as to grants, and would be decisive against the admission of any claim. In giving judgment on a case of this description, in relation to the Dutch flag and pass, assumed by a neutral, Sir W. Scott observes, that ships have a peculiar character impressed upon them by the special nature of their documents with which they are so invested, to the exclusion of any claims of interest that persons living in neutral countries may actually have in them. In the same case, he makes a distinction, however, between such a complete adoption of the hostile character, and a pass or licence for a particular purpose relative to the enemy's trade, without an alteration of the neutral character of the ship. The counsel for the claimants in the case of the *Vrow Elizabeth*, cited the case of the *Clarissa*, in which the American owner obtained restitution of his share of the ship, though the vessel had sailed from Holland under a special pass or license from the authority of that country, to engage in the colonial trade. In that case, says Sir W. Scott, the ship had merely a colonial pass or license, being in all other respects undoubtedly and avowedly an American ship, and described as such in the usual American documents. The distinction is applicable in the present case. The ship and cargo, which are clearly American property, are documented as such; the papers, from the officers of the British government, also recognize her as such, and are merely intended to exempt the property from capture by the enemy's cruisers. The arrangement is an unusual one, and we have no express precedent by which to determine its legal operation. Exceptions from capture have sometimes been made by the belligerents from motives of humanity, as in the case of fishing vessels: and at one time when Spain was at war with Great Britain and distressed by famine, in favor of vessels bound with grain to that country. Antiently, the admiral of France had the power of forming fishing truces, or of granting passports to individuals to continue their fishing or trade unmolested. It is not contended, that a vessel taking the benefit of these indulgences would be considered as offending, though in the instance of the French passports to fishing vessels, they were occasionally given to individual vessels, and did not operate by general order or decree. In the present case it was not competent for Admiral Sawyer to give a general security against all the cruisers of his country, but he declares, that he shall give directions to the commanders of the squadron under his command,

* See page 26 of the present volume.

not to molest American vessels, unarmed, and laden with flour and other dry provisions *bona fide* bound to Portuguese or Spanish ports, whose papers shall be accompanied with a certified copy of his letter under the consular seal of Mr. Allen. This is the mode adopted to notify the cruizing ships of the admiral's instructions. If he had elected another method, and had published his instructions in the Gazette at *Halifax*, it surely could be no offence against the duties of a good citizen bound on a lawful voyage, to take with him one of the British newspapers, containing such instructions, as a security on such lawful voyage, not prohibited by the laws of his country. A certified copy of the letter, by a by a known officer, has, as appears to me, no other legal effect or operation. Mr. Allen's consular powers may indeed have terminated by the war, though his residence in the country was permitted, and I shall not undertake to decide on the propriety of his signing in that capacity. It was probably considered as a mode which would give greater security to the holders of the instrument, and render it less liable to exception or doubt from the enemy's cruisers. In this view it was rendered more valuable to the holders, and the procedure is entitled to candid consideration; at any rate I cannot consider it as giving a vitious taint to the transaction, so as to subject the citizen receiving such a document to process of condemnation from the authorities of his country, which are to decide upon the operation of the paper. Mr. Allen aims to bestow a more extensive security than what is given by admiral Sawyer; but it is, as it necessarily must have been, merely advisory. It is addressed to the officers of all the ships of war of his country, public or private.

The views and intentions manifested by those officers in these papers, have been particularly urged in argument. It is said that they fully express purposes favorable to the enemy, and that the acceptance of papers with such indications implies a voluntary subserviency to British interests. In whatever terms these papers had been drawn, no one could suppose that they were granted from mere good will to this country, and if that had been affected, it sould have deceived no one. In fact, whether expressed or not, the state of things presented a case in which there was a coincidence of interests. When this trade was left open, after the declaration of war, it must have been understood, that Great Britain would feel an interest in its prosecution. This could not but have been perceived and considered, when the act of the 6th July last, relative to *trading with the enemies of the United States*, was passed. The subsequent relaxation of the rights of war and of capture, on the part of the enemy, relative to such trade, only presents a more decided manifestation of the estimated importance of the trade to G.Britain. It still is a legal and innocent trade to our citizens, until prohibited by statute; nor do I conceive, that the expressions in the papers should subject the citizens to the imputation of intending the promotion of the views of the enemy; he has his own interest in view, and so far as any public considerations enter into the enterprise, he ought to be considered as favouring the views and interests of the country, who have left the trade open under a full contemplation of the state of the country and of the world politically and commercially. On the face of the instruments, therefore, and viewing their whole tenor, I consider them not as conclusive against the claimants who are the holders of them. But the relaxation is not universal, and from the very nature of partial exemptions, they are liable to a degree of suspicion —though not in themselves absolutely vitious, they may become so by the manner in which they were obtained, or the conditions on which they were granted, I have, therefore, in this case and another of similar description (the schooner Hero) required further proof on this head, and the order for further proof is limited to the claimants, according to the general rule in prize cases, 3 Rob. 267, American Ed.

By the proof that has been produced relative to the licence in this case, it appears to have been purchased of a citizen of the United States, an inhabitant of Virginia, at the rate of one dollar per bbl. for what the vessel would carry; that part of the consideration was paid in cash, the remainder to be paid on arrival of the vessel in Lisbon; that the license was in blank, and the person procuring the license declares, on oath, his belief, that the seller had no knowledge of or concern with Mr. Allen by whom the license was issued. It is further testified that such licenses are a common article of sale in Baltimore and other places. On this evidence, I cannot conclude that any enemy interests are involved in the transaction, or that the terms on which the license was obtained, render it a vitious transaction, operating the forfeiture of the property intended to have been protected. The act of July 6th, prohibits, under heavy penalties, the receiving, accepting, or taking "a license from the government of Great Britain, or any officer thereof, for leave to carry any merchandise or send any vessel into any port or place within the dominions of Great Britain, or to trade with such port or place." The mere receipt and acceptance of a license or security from capture, in a lawful trade to neutral countries, is not prohibited. If not procured on terms involving enemies' interests, I cannot find the rule of law which renders the vessel and cargo liable to condemnation in our courts, for being possessed of such an instrument of protection. I am sensible, that the practice may be liable to abuse. It is capable of being converted into an instrument of monopoly, or the practice may have political bearings of serious import. This liability to abuse renders it, as I conceive, the duty of the court to require such proof of the manner of procuring the license, and of the terms and conditions, as shall enable it to form an opinion of the fair and legal operation of the procedure. I am not convinced from the evidence in this case, that the transaction relative to this licence, will subject the property claimed to condemnation. There may be considerations relative to the practice, of dubious aspect, which it belongs to the government to estimate, and to make such provisions as the public interest shall appear to require.

The other ground of objection is the direction to invest the proceeds of vessel and cargo in bills of exchange to be remitted to England. The directions for the sale of the vessel are not absolute, it was to depend on the contingency of receiving an advantageous offer. If sold, however, the proceeds are directed to be remitted to England; some of the shippers direct the investment to be made in government bills, meaning, it is admitted, the bills of the English government. Others direct a remittance generally. As to the captain's adventure, it does not appear in what manner it was his intention to dispose of the proceeds. Now if this property was intended merely to be landed at Lisbon, and to be afterwards transhipped to the enemy's country, it would clearly be a trading with the enemy, and such intention being manifested, it would be liable to condemnation, if captured in any stage of the voyage, (the Jonge Pieter, 4 Rob. 65.) But I am by no means satisfied that the orders given in this case, as to remittance of proceeds, would, if executed, be

of like legal operation. To produce a conclusion of such serious consequence to the owners of the property, I ought to be assured that there would be no mode of effecting the proposed remittances without implicating the claimants in the culpability of trade with the enemy. Now it is observable, that all the cases, and they are numerous, which have been cited from the books, respecting trade with the enemy, relate to tangible objects, capable of actual use for the purposes of life, i. e. to goods and merchandize bound to or from the enemy's country. Of this description are all the instances cited in the case of the *Hoop*, (1 Rob. 165, Am. ed.) in which the law on this subject is so fully displayed and illustrated. I do not mean to infer, that other transitions would not constitute a trade with an enemy, It certainly may be committed by going to or coming from an enemy's country with a vessel without a cargo. But no case has been produced, though the attention of the able and learned counsel for the captors was specially directed to the enquiry, in which the usual operations of exchange were considered as of this character. In fact, by an analysis of those operations, it will appear, that a substantial difference exists, in regard to aid to an enemy, between a trade in commodities, and what is called a remittance. If a citizen should convey commodities to an enemy's country, he affords him palpable aid, and the act is illegal. But if he should purchase of a fellow citizen, or of a neutral, a debt or demand against a subject of the enemy, he renders no benefit to the enemy, there is only a change of the creditor. If the remittance be to pay a debt, the enemy country is indeed a gainer to the amount of the debt. How a remittance for such a purpose in time of war should be considered, it is not necessary here to enquire. The remittances in this case were specially intended as a deposit, until there should be an opportunity to withdraw the amount.

It is decided that a subject of one belligerent may lawfully purchase of a neutral, goods or vessels, lying in a port of the opposing belligerent. The *trade*, in such case, is with the neutral, and the locality of the objects purchased does not vitiate the transaction (4 Rob. 233. Am. Ed. Chitty Law of Nations, 15.) From this authority I should infer, that the supercargo, on this voyage, might lawfully purchase of a subject of Portugal, his debt or demand on England, or in other words, his bill of exchange on England. But it is observed, that according to the direction of some of the shippers, the investment was to be made in government bills. Such an investment, it is urged, would be particularly noxious, having a tendency to sustain the credit and give additional value to the enemy's paper. So far as such direction may be evidence of an intent of a commercial dealing relative to this cargo or any portion of it with *subjects of the enemy* it is pertinent. But I do not consider it warrantable for me to make that inference, without more direct evidence. Government bills, as they are termed, it is affirmed, and I presume the fact is so, are in the market, bought and sold like other articles. A *bona-fide* purchase of an English bill, of a neutral, would not place the party, on legal ground, in a different situation from the purchase of the bill of an individual. It would be otherwise if the neutral were the mere agent to procure such government bills from the British holder.

It cannot be denied that investments in government bills would have a tendency to enhance the value of those bills in the market. This indirect effect, however, of the operation, would not, as appears to me, render it criminal. By the law of war, we are not to benefit an enemy; on the contrary, according to Bynkershock, *vetatur quoquo modo hostium utilitati consulere*. We are not to consult the benefit of the enemy, and of course that trade and those operations are, by the law of war, illegal, which from their character imply such a motive. But such is the connexion of human affairs, which national conflicts cannot altogether dissolve, that many operations may have an indirect effect to benefit the enemy, and yet the law of war has not considered them embraced within its maxims of prohibition. If, for instance, the proceeds of the numerous shipments to Spain and Portugal from this country should be invested in British goods, it would undoubtedly aid the enemy, by the encouragement given to its manufactures, and, in a degree, to its commerce. Still such purchases would be lawful to our citizens, if made *bona fide* of a neutral owner of such goods, and the goods thus purchased might be lawfully transported to any other neutral country. The mere law of war, indeed, would not prohibit the importation of goods, so purchased, even to our own country. It is our law of non-importation, made before the war, which has this operation.

If such investment be not illegal, I am not satisfied, that evidence of the debt, thus purchased of a neutral, might not be transmitted from the neutral country, without coming within the legal idea of trade with an enemy, as developed and illustrated by the cases which have been decided. It was, for a long time, lawful in England to insure enemies' property, and such was the common practice in that country in former wars with France. Valin, in language, as Marshall observes, bordering a little on derision, remarks on the impolicy of such a rule of law, which was peculiar to England, and suggests the benefit derived from it by France. But we find no intimation, that the procurement of such insurance in England, by a subject of France, was illegal, nor is it made subject to any animadversion; and yet such insurance could not have been effected without a correspondence. So when in England, in the modern trials upon policies of this description, the foreign holder of the policy has been held not entitled to recover, the objection has not been made, even in argument, that the creation of the policy, which would necessarily involve a degree of communication with the enemy, was an act of trading, but that the object and effect of such policy was to protect the trade of the enemy. If, therefore, it were now lawful in England to insure enemy's property, it would not, as appears to me, come within the idea of trade with the enemy for a citizen of this country to protect such insurance, though it could not be accomplished without a communication direct or indirect with that country. The same reason would apply to the mere transmission of the evidence of a debt or demand on an enemy's country, lawfully acquired.

I acknowledge the general obligation of bringing every correspondence with the enemy under the cognizance of government. A correspondence, intrinsically innocent, may be culpable from a non-conformity with regulations, calculated to assure the government, that nothing injurious is to be apprehended from any proposed communication. It would be reasonable, however, to expect a promulgation of such regulations, that every one might be secure from dangerous inadvertance. Besides, as the government has a public agent in Lisbon, and the charge in this case rests on intention, I ought not to conclude, that any correspondence, which the proposed remittance of bills to be purchased might require, would not be submitted to his inspection.

In speaking of the doctrine of insurance on enemies' property, as it formerly stood, I cannot omit

to notice its application to the first objection in this case, grounded on the license from an enemy. The reasons which have led the courts of law in Great Britain, ultimately, to decide against the validity of such insurances, after long practice to the contrary, might cause that country to be dissatisfied with these indulgences granted by its officers; and for the reasons which induced France not to discountenance or disapprove of the procurement of insurances in England, in time of war, between the two countries, may we conclude as to the innocence of obtaining these licenses or protections, if tainted with no improper contract or conditions.

Such are the views which I have taken on this subject. In contemplating the questions on which the cause depends, and in searching for just inferences from acknowledged principles, and from analagous determinations, I should not be surprised if my conclusions should be found erroneous, in which case they will be corrected by a superior tribunal, if the captors should be dissatisfied. I decree restitution to the claimants; but I do not think the captors should sustain the costs of bringing the case to adjudication, especially as further proof was requisite, and the obvious facts might induce the course pursued by the captors, consistently with sincere and honest conviction, that their procedure was justifiable. I therefore direct the payment of their necessary expences.

Affairs of Algiers.

Message from the President of the United States transmitting copies of a letter from the Consul-general of the Untied States to Algiers, stating the circumstances preceding and attending his departure from that Regency.

To the Senate and House of Representatives of the United States:

I transmit to congress copies of a letter from the consul general of the United States to Algiers, stat-the circumstances preceeding and attending his departure from that regency. JAMES MADISON.

November 17, 1812.

Extract of a letter from Mr. Lear, consul general at Algiers to the secretary of state.

"ON BOARD THE AMERICAN SHIP ALLEGANY,
At sea, July 29th, 1812.

"On the 17th inst. I had the honor to receive your respected favors of the 6th of February and 29th of April, 1812, by captain Ebenezer Eveleth, of the ship Allegany, which arrived at Algiers on that day, with the four new Mediterranean passports, 200 tops and the several packages containing messages, reports, newspapers, &c. together with the letter of Richard Forrest, esq. covering the invoice and bill of lading of the ship Allegany sent from the United States with a cargo of naval and military stores, for the regency of Algiers, in fulfilment of treaty stipulations.

"I must delay replying to the particular points in your letter of the 29th of April, until I shall have given an account of the most unexpected and extraordinary event which I believe has ever taken place, even in the extraordinary events of Algiers, in order that I may have it ready to transmit, in case I should meet any vessel bound to the United States.

"On the arrival of the Allegany, the Dey and the officers of the regency expressed the most entire and complete satisfaction; and until the 20th inst. when they began to discharge the cargo, there was no appearance of any other sentiment. On that day a large quantity of spars and plank were taken on board a lighter, by the people of the marine, to be carried on shore, by order of the minister of marine, but they were not landed. At noon the minister sent to request a note of the articles, and their quantity, which were on board the ship for the regency, that he might lay it before the Dey in the evening, agreeably to his orders. I accordingly sent the note taken from the invoice, but without affixing the prices. At 6, P. M. I received a message by my drogerman, from the minister of marine, informing me that when he laid my note of the articles before the Dey, he became very outrageous on finding there was only fifty small barrels of gunpowder and four cables on board; when the note sent to the United States in 1810, as furnished by the minister of marine, demanded 500 quintals of gunpowder, and 27 large cables, besides a very large quantity of cordage and other articles, as may be seen by said note forwarded in my letter of August, 1810, to the honorable the secretary of state; and told the minister that he would not receive the cargo, but would send the ship away from Algiers, and that I must depart in her, as he would not have a consul in his regency, who did not cause every thing to be brought exactly as he (the Dey) ordered.

"Early in the morning of the 21st, I waited on the minister of the marine to inquire into this procedure, when he confirmed all that had been told me by the drogerman, and added many other expressions of anger and disgust of the Dey.

"I reasoned with him on the subject, stating that it had never been usual to send the whole of such large orders at one time; that we had been very punctual in our payments, and that the cargo of this vessel would probably pay all that we owed; that cargoes had always come in this manner, assorted with a part of each article, and that I had never before found any difficulty; that powder and cables were articles of which we did not make enough for our own use in the United States, and that it was almost impracticable at this time, to bring them from other countries, as was well known to himself and all the world; that in the present distracted state of nations, it was possible that the United States might be forced into a war, and that it behoved our government, not to be destitute of so essential an article of defence as gunpowder; but that on a future occasion we might be able to send more; with many other remarks, which he allowed to be reasonable, but said that the Dey was determined; and that when he had once fixed a resolution he never departed from it—And added, that the Dey insisted upon having every thing brought which he ordered, *without regarding whether it amounted to more than the sum stipulated in the treaty or not;* and that I must depart on Thursday the 23d inst. on board the Allegany with all the Americans now in Algiers.

"I wished to see the Dey, and for that purpose desired an audience, which was denied me.

"I then requested that a few more days might be allowed for my remaining, that I might prepare myself, as it was impossible to make any arrangement of my affairs in so short a time, hoping in the mean time, to make some accommodation of this business. The answer was that the Dey would not allow an hour more.

"I wrote a circular to the christian consuls in Algiers, informing them of my ordered departure.

"The spars and plank which were taken out of the vessel yesterday, were returned on board this morning. In the morning of the 22d I sent my drogerman to the palace to say that I wished to make a settlement of the cargo of the brig Paul Hamilton, which had been delayed, by a request from the palace until

the Allegany should arrive, when a settlement could be made for both vessels at the same time.

"The request was granted, and the drogerman informed me that the dey wished me to bring our treaty with me, that we might see the time when it commenced, the terms, &c. in order to make a final settlement of our accounts. This I did, and while I was settling the accounts of the Paul Hamilton's cargo with the prime minister and secretaries, in the usual manner, the dey's drogerman came down, and said, the dey wished to see the treaty which I had brought. I gave it to him without hesitation, supposing that the dey might wish to see something in it, or that he might compare it with that which was in the palace. But when I demanded the treaty again, the dey refused to deliver it, saying, by his drogerman, that when a consul was sent away, he (the dey) should always keep his treaty, and that such had ever been the custom at Algiers.

"After settling the account of the cargo of the Paul Hamilton, which amounted to $ 12,109, and producing a tiscary or acknowledgment of a balance due to the United States, which had been given in February 1810, at the settlement of the cargoes of the ship Resource and brig Blanchy, for $ 26,065; the minister and secretaries said there was still $ 27,000 due to the present time. This I denied, as I had the receipts, of the regency for the payment of annuities for 14 1-2 years, exclusive of the amount of the cargo of the Paul Hamilton and the tiscary for $26,065, and as our treaty was concluded on the 5th of September 1795, it would be only 17 years in the whole, from which the 14 1-2 years were to be deducted, leaving 2 1-2 years ending the 5th of September next, amounting to $ 54,000, from which deducting the cargo of the Paul Hamilton, and the tiscary before mentioned, would leave but $ 15,826, and which I had no doubt the cargo of the ship Allegany would fully pay if it should be received.

"The minister then observed, that they counted the year by the Mahometan calender, consisting of 354 days, so that the difference in seventeen years, would make it one half year more than we counted. I told him that I had always reckoned the years in the Christian manner of 365 days; and that I presumed the same was done by all other consuls having accounts of a similar nature with the regency. He said it was never so done, or allowed by the regency, and immediately sent up a note to the dey, of the sum due by his account, viz. $ 27,000.

"After a short time the Dey sent down word by his drogerman, that the balance must be paid *immediately in cash*, and that the vessel with myself, &c. must depart to-morrow as he had ordered; I answered that it was impossible for me to comply with the Dey's order, even if I acknowledged the balance to be just, and had every disposition to pay it, as I had not the means of obtaining the money, especially as the cargo of the ship now in port was sent by my government for the express purpose of paying what might be due to the regency, and was the strongest possible evidence of our punctuality in fulfilling our engagements.

"The prime minister then went up to the Dey, with the drogerman, and soon returned, saying that the Dey persisted in his first order, that the money should be paid *immediately*; or that I should be sent to the marine in chains, the vessel and cargo confiscated, and all the citizens of the United States now in Algiers be detained in slavery, and war instantly declared against the U. States.

"I told the minister that the matter was now brought to a decision, and that I must go to the marine in chains, for it was not possible for me to obtain the money, and had no more to say on the subject, but would warn them of the evil which they were bringing on themselves by such unjust and outrageous conduct.

"The minister went to the Dey a second time, when I demanded to accompany him; but was refused, and soon returned with what he said was the fixed and unalterable resolution of the Dey, viz: that he would allow me till Saturday morning the 26th inst. to pay the money and depart with the vessel and all other Americans in Algiers; but if this was not done, he should confiscate the vessels, detain in slavery all the Americans in Algiers, and declare war against the U. States as he had before determined. The minister also added, that the Dey had been informed that the ship had brought a large quantity of coffee for sale, and some other articles not intended for him (meaning, I suppose, the gun barrels, &c. for the emperor of Morocco; but whence he could have got the information of the latter, I know not, for I had never mentioned a syllable of it to any one in Algiers. I have since learned that it was discovered by some means or other, when the plank and spars were taken out of the vessel on Monday) and that he was, if possible, more highly incensed at this, than on any other account; saying that he considered it an insult offered, by having merchandize embarked on board a vessel which was said to have been sent for the sole purpose of bringing the annuity.

"As I was determined that nothing should be wanting on my part to settle this unpleasant, and to me, unaccountable business, I proposed to the prime minister, that the articles now sent by the Allegany should be received and passed to our credit, in the usual manner of settling the accounts of cargoes, where they had the power of fixing their own prices, and that whatever balance might appear due, after such settlements, should be paid in cash if the Dey desired it; and that he might send a note of such articles as he expected for the next annuity, which I would forward to my government, with such observations on the propriety or necessity of sending the whole of them as the Dey should express. By this means, if the proposition should be accepted, time would be given to make preparations for future events, or at any rate, our commerce in this sea might have been secured by giving timely notice, and putting our vessels on their guard. But the Dey refused to listen to it, and repeated his first orders.

"On leaving the palace, I reflected upon the very critical and alarming situation of our affairs with the regency, which was not only brought on in the most unexpected manner, but without any reasonable or justifiable cause of complaint on the part of the Dey. It appeared to me that he was determined to take a measure which I had more than once the honor of intimating to the honorable the secretary of state, particularly in my letter of the 29th May last, viz: that after having concluded a truce with Portugal, and seeing Sicily under protection of the British, he must make war upon some other nation, with or without cause, in order to employ his cruizers; and that the extended and unprotected commerce of the United States, offered greater prospects of advantage from plunder and captures than he could expect from any other nation. The ultimate consequence of such conduct he would never calculate; neither would he be restrained by any sense of shame, or of the flagrant injustice of the act.

"In this state of embarrassment, and with these reflections, I was still determined to try all possible means to accommodate the present difficulties, before the ultimate period fixed by the Dey should arrive, but if that could not be effected, I should prepare, if possible, to pay the balance demanded in money, to prevent the loss of the ship and cargo, and detention of all Americans in Algiers, and the immediate capture of others.

"In order to raise the money I proposed to sell the cargo of the ship, as the Dey would not receive it, and pay him the proceeds in cash towards the balance, but he absolutely forbade the sale of any article on board her. Thus situated I had no other means left but to endeavor to obtain the money on my bills, and while I was using every means in my power, and through every channel that could be devised, to have matters accommodated before they came to the last extremity, I was not inattentive to the necessity I might be under of procuring the money in the last moment.

"As the discussions on our business had taken place either at the marine or in the palace, in the presence of all those usually attending there, it was no secret; and I had the satisfaction of hearing a general sentiment of disapprobation expressed on account of the Dey's conduct more strongly than I could have supposed it would have been done, when it was known in what awe and dread every one held the present dey, whose severity is almost without example.

"The only quarter from which money could be obtained at any rate, was the house of Bacri, and upon application to him to know if I could depend upon him in the last extremity, he raised many difficulties on account of the limited time, of the many very heavy payments which they had been obliged to make lately for the cargoes of the Greek prizes purchased by them, which had entirely absorbed their cash, &c. He also made some objection as to the security of such bills, on account of my being obliged to leave the regency: to that I answered, that I should not desire any one to become my security, as the same objection would naturally occur to them, and that if I should give bills, I must candidly say that if the vessel should not afterwards be permitted to depart with her cargo (as I had some apprehensions from the shameful conduct of the dey, might be the case, in violation of his word) the bills would not be paid, as the proceeds of the cargo, at the place to which she might go, must be depended upon towards discharging such bills. He said he would consider the subject and give me an answer on Friday as to the practicability of getting the money if it must be had, and the terms which would be expected for it.

"On Friday the 25th July, I made the last effort to effect an accommodation, and flattered myself with some little prospect of success, as the minister of the marine and some others of the principal officers of the regency, had expressed their regret at what had happened, and had promised to do every thing in their power to induce the Dey to alter his determination, if the Dey should introduce the subject before them on this day, when they all met him at the palace to go with him to the mosque, being the Mahometan sabbath; but they candidly acknowledged that if he did not bring the matter forward, no one would dare to introduce it, as they knew the obstinacy of his temper, and dreaded the effects of his resentment.

"I had communicated to the minister of the marine the proposition which I made in the palace on Wednesday, for the Dey to take this cargo on account, and to pay the balance, if any, in cash, &c. which he did not hesitate to declare he thought highly reasonable and such as should be satisfactory; but at the same time remarked on the inflexible obstinacy of the Dey, when he had once taken his resolution.

"At one o'clock my drogerman brought me a message from the Dey, which he said was his last, and irrevocably fixed, viz: that I should to-morrow morning pay into the treasury 27,000 Spanish dollars, which he claimed as the balance of annuities from the United States, and then depart from the regency with my family, and all other citizens of the United States in Algiers, in the ship which had brought the stores, in fulfilment of treaty stipulations, and which he had refused to receive; or that the ship and cargo, with all other Americans now in Algiers, should be detained, the former confiscated the latter kept in slavery, and that war should be instantly declared against the United States.

"This message determined the business and closed every door of hope for an accommodation. It was confirmed by the minister of marine, who said that the subject having been introduced by the Dey in their presence, he and the other ministers had urged every thing they dared, to induce the Dey to alter his determination, and to accept my proposition, but in vain. He was inflexible, and the alternative must be taken immediately.

"I had now my ultimate choice to make between the payment of the money, if it could be obtained, and the certain loss of the vessel and cargo, worth much more than the sum claimed by the Dey, and the immediate slavery of more than 20 American citizens (including myself and family) not in Algiers, with the highest probability of many American vessels and their crews being captured before it would be possible to give notice of what had happened, to enable them to consult their safety by remaining in port, as the port of Algiers had been shut since the sailing of their cruizers on the 13th instant, and of course no opportunity had offered to communicate an account of these transactions to any of our consuls in the Mediterranean.

"I therefore made my election to pay the money, if it could be obtained, especially as the departure of the Allegany would afford an opportunity of giving the most speedy information to every part of this sea, and guard American vessels against falling into the hands of the Algerine cruizers now out; as I can now have but little doubt of the Dey's having given orders to his cruizers, on their sailing, to detain and send in such American vessels as they may find. For it must clearly be seen that he has no reasonable or justifiable ground for his present demand and conduct, and I am in a great measure confirmed in my apprehensions entertained and expressed in my last letters to the honorable the secretary of state, that after the truce with Portugal and the protection of the Sicilians by the English he would make war upon some nation to employ his cruizers; and that none offered a better prospect than the vessels of the United States.

"The present posture of affairs between the U. States and Great Britain, just on the point of open hostilities, would afford another guard and security against our sending a force into this sea to protect our commerce now here, or revenge the insult and injury inflicted upon us; especially too, as under present circumstances, he must suppose that it would be gratifying to the British, with whom, there is every reason to believe, he has a treaty offensive and defensive.

"I sent for Mr. Bacri and informed him of my determination to pay the money and depart from Algiers, and should depend upon him for it. But that if, after paying the money, the vessel and Ame-

ricans should not be allowed to depart from Algiers (which I had reason to apprehend from the Dey's outrageous and extraordinary conduct might happen, notwithstanding his declaration) the bills which I might draw would not be paid at Gibraltar; for that I must depend upon the sale of the cargo of this vessel to meet the bills as far as it would go; and that I gave him this information, that he might know the ground on which he stood. He replied that he should have full faith in the bills on that condition, and then observed that the sacrifice which must be made to obtain the money at the moment, could not be less than 25 per cent. After some further discussion of the subject, and knowing the impossibility of obtaining the money from any other quarter, (about which I had made enquiry for two days past) I agreed to give him the advance, which brought the amount to 33,750 dollars; and in the evening gave him a bill at 30 days sight, on John Gavino, Esq. consul of the U. States at Gibraltar, in favor of Moise Levy Valensen of Gibraltar, value received of Jacob Cain Bacri of Algiers, on account of the United States of America, to pay a balance claimed by the Dey of Algiers, for annuities from the U. States, the Dey having refused to receive the naval and military stores sent from the United States agreeably to treaty stipulation, to pay such balance as might be due.——I also stipulated with Mr. Bacri, that he should cause the money to be paid into the treasury to-morrow morning, so as not to give ground for detaining the vessel, or raising any new difficulties on that account, which he promised to do.

"I gave to John Norderling, Esq. his Swedish majesty's agent general at Algiers, a letter, accepting his friendly offer to take care of my property left in Algiers, and also requesting his kindness to be extended to any American citizens who might arrive in Algiers after my departure, or be unhappily brought in by the cruizers of the regency.

"The following is an extract from my letter to Mr. Norderling:

"As my department from Algiers is compulsive, I leave no person directly charged with the affairs of America in this regency. But should any of our citizens arrive here, or be unhappily brought in, your kindness to them shall be gratefully acknowledged, and the necessary and reasonable expences for the support of such as are destitute will be paid by the government of the United States.'

"Through the day of Friday and in the evening, my acquaintance of all descriptions called upon me and the unfeigned sorrow expressed by all of them of every denomination, sufficiently evinced the regard they had for us. And the undisguised disapprobation and disgust expressed by all classes at the Dey's conduct, must I think, end in some disastrous event for him.

"Very early on Saturday morning, the drogerman came to my house and informed me that Jacob Bacri had paid the money to the regency, and soon after the minister of the marine sent for me to go to the marine, where he informed me it was the Dey's orders that myself and all the other Americans should embark immediately and depart from Algiers. He expressed his regret at what had happened, and declared that it was against his strong advice and wishes, hoped that every thing might yet be accommodated, &c. I intimated to him my suspicions and apprehensions that orders had been given to capture American vessels. He assured me that if such orders had been given by the Dey to the commander of the squadron, he was ignorant of it, and that he thought it was not the case. How far his reply is to be relied on I am not able to say.

"I requested the minister to give me a certificate of the ship Allegany having been sent away by order of the Dey, that in case she should be met by any of the cruizers now out, they might not molest or stop her. This he declined, saying that their cruizers were all at the east of Algiers, and that if any should molest or detain the vessel, the Dey would punish the commander most severely, &c. This did not satisfy me, but I could not prevail upon him to give me the passport.

"When I parted from the minister I was about to return to my own house to accompany my wife on board the vessel; but he said I must not return there again, but must go on board, as the vessel was getting under way, and that the drogerman would go up to conduct my family down and on board, which was accordingly done, and the vessel got out of port about 7 o'clock A. M.

The persons embarked on board the Allegany, besides the captain and crew (consisting of 17 persons) are myself, my wife, and my son, who arrived from the United States, via Gibraltar, on the 15th inst. Mr. J. S. Smith, of Philadelphia, who has been in Algiers these two years past with some coffee for sale, which he has thought proper to abandon, and says he shall seek for indemnification from the U. States. I advised him to sell it, as it was not possible for the ship to take it on board, as she was entirely filled with the cargo which she brought out, but he did not think proper to comply with my advice. Mr. John Vallet, a naturalized citizen of the U. States, whom I have mentioned in my letter of the 26th of May, a copy of which I now have the honor to inclose as well as that of the 30th of April, and a Mr. Pinto, also a naturalized citizen of the United States certificate from South Carolina.

"On the evening of our leaving Algiers, we spoke a British letter of marque bound to Malta, and as the weather did not admit of sending a letter on board, I desired the captain to inform the American consul at that place I had been ordered from Algiers, and as there was no doubt but the Algerine cruizers would capture any American vessels they might meet, desired that he would give notice to all American vessels in Malta, and extend the information in every direction possible.

"Yesterday we were boarded by his Britannic majesty's brig Goshawk, which was going with a convoy to Allicant and Majorca, to the commander of which brig I gave letters to our consuls in those places, a copy of which I have the honor to inclose, and requested the said commander to give the notice of my being ordered from Algiers, &c. to any American vessels he might meet at sea, and make the same known wherever he might go. I shall forward my circular to any places to which we may meet vessels going, until I reach Gibraltar, whence I shall disperse my circulars by every opportunity which may offer, to all ports of this sea, as well as to the ports in the Atlantic.

"I took passports for the ship from the French and Spanish consuls before I left Algiers. The English consul did not furnish any, although I applied to him for that purpose. I did not ask them from the Swede or the Dane, as they have no vessels in this sea.

"I have now sir, given you a faithful and a detailed account of this extraordinary and unexpected transaction. While I feel conscious that no exertion was wanting on my part, and no means in my power left unattempted to make an accommodation, when the difficulties were first brought forward, and during

the whole course of this unexampled proceeding; and that ultimately my decision was made on the ground of necessity, to prevent a greater evil to my country; I trust that the President and our government will approve of my conduct.

"The law past on the first of May, 1810, restricting the consuls in Barbary to the sum of three thousand dollars annually, to be employed in presents, &c. without the special permission of the president first obtained, prevented my making those attempts in a pecuniary way, for opening a door to accomodation, which I should otherwise have done: but upon a review of the whole of the circumstances attending this business, I have now my doubts whether any sum which the United States might have thought proper to bestow, would have answered the purpose. I thought it my duty, however, to make some attempts in that way, upon the scale to which I was limitted: but it had not the desired effect.

"The character of the present Dey, Hadge Alli, Bashaw, is that of a severe, obstinate, and cruel man. He is said to be inflexible in his resolutions, and will bear no contradiction or reasoning. He has kept his soldiers in more subjection during his reign than they have been accustomed to for many reigns before, and no one dares approach him, but those whose duty calls them into his presence, or who are sent for by him. He has not granted an audience to any consul for nearly a year past, except to a new English consul who arrived in April last: and would not see the old consul before his departure. The tales told of his personal conduct in the palace, bespeak him a man deprived, at times, of his reason. His conduct with respect to our affairs is almost an evidence of his insanity; and I am very much mistaken if it does not hasten his exit from this world, but while he reigns he is most absolute, and I have very little hope of his refraining from making war upon the United States. There is every reason to apprehend, from what has taken place, as before detailed, that the cruizers had orders to capture American vessels, before their departure from Algiers on the 14th instant. In which case some vessels will undoubtedly fall into their hands before the notice I have given, or may give, can reach the parts where they may be, and prevent their sailing. It therefore behoves the government to prepare for such an event and determine in what manner they will meet it. Should our differences with Great Britain be so accommodated as to admit of sending a naval force into this sea, I am sure there is only one course which the government will pursue, and what has now taken place may be a happy and fortunate event for the United States, by relieving them from a disgraceful tribute, and an imperious and piratical depredation on their commerce. *If our small naval force can operate freely in this sea, Algiers will be humbled to the dust.*

"Spain would undoubtedly be ready and willing, as far as she might be able, to co-operate with any nation against Algiers: for the enormous demands made upon the former by the latter not having been complied with, the Algermes have lately taken vessels and property from the Spaiards to the amount of more than one hundred thousand dollars, and have upwards of fifty of the subjects of that nation in slavery. They still permit, or rather compel the consul to remain at Algiers, and have not declared war against Spain, whose ally seems to view these depredations with indifference. The French may be said to be nearly in a state of open hostility with them; and the Algerines know, that in the event of a peace between Great Britain and France, they must submit to the will of the latter power.—Sweden and Denmark are in arrears for four or five annuities, and nothing but a knowledge that these powers have no commerce in this sea, on which they can depredate, prevents their making war upon them. In the mean time, the consuls of those nations pay annually a considerable sum in money for their forbearance, while the account of annuities is accumulating. All the Sicilians have been released, through the interference of the English, from Tunis and Tripoli; and at my departure from Algiers, lord William Bentick was daily at that place, to treat for the Sicilians in slavery there.—The Portuguese have redeemed all their subjects in slavery at Algiers, and extended their truce with the regency for one year.

"I shall proceed in the Allegany to Gibraltar, where I shall dispose of her cargo which has been refused by the Dey of Algiers, to meet, as far as it will go, the bill before mentioned, and for the remainder shall draw upon the honorable the secretary of state. At the same time, I shall send to Mr. Simpson, our consul at Tangier, the gun barrels intended for the emperor of Morocco, as well as a copy of your letter respecting the change of passports, with a proportion of the tops and one of the new passports. The same will be done at Tunis and Tripoli, from which places I have heard nothing since I had last the honor of writing to you. I shall also from thence dispense information of what happened at Algiers, to all ports of this sea, as before mentioned, and shall add to this letter (if an opportunity should not offer of forwarding it before my arrival) such occurrences or information as I may meet there.

"On the 13th instant, the whole naval force of Algiers sailed on a cruize to the eastward, supposed to be destined against Tunis or to make a descent on some part of Sardinia, for the purpose of getting slaves. It consisted of the following vessels:

1 Frigate of	50	guns and	500 men.
1 ditto	46	do.	460
2 ditto	44	do. 450 men each,	900
1 ditto (new)	38	do.	400
2 Corvettes,	24	do. each	500
1 ditto	22	do.	230
2 Brigs	22	do. each,	450
1 Xebeck,	20		200
1 Schooner,	4		40
1 Row Galley,			50

6 Gun boats, sloop rigged, carrying one twenty-four pounder, and one eleven inch mortar each.

"The heaviest cannon in their frigates are 18 pounders, but these do not extend through the whole battery, having some 12 pounders among them; the other guns are nine and six pounders.—The corvettes and brigs carry twelve, nine, and six pounders: none of them have carronades.

"The large frigate is about six years old, and the best of the squadron. She is about the size of our 36 gun frigates. Three of the others are very old ships, hardly sea-worthy, about the size of our 32 gun frigates. That of 38 guns is a new ship, launched at Algiers about two months since, and is about 500 tons burthen. The two corvettes of 24 guns are Greek prizes, converted into cruizers, about 400 tons burthen each. The corvette of 22 guns is an old vessel of about 350 tons. The two brigs are about 250, and the xebec 200 tons. Four of the frigates, one corvette, and the two brigs are coppered.

"The Algerines have not another vessel of war besides those mentioned, excepting three gun boats, of the size of those sent out, which are unfit for service. All their small open gun boats for the de-

fence of the bay are either broken up or entirely unfit for service.

The squadron before mentioned is commanded by their famous captain Rais Hammida, who bears the title of admiral. He is a bold, active, enterprizing commander, but entirely unacquainted with any regular mode of fighting; he has not the advantage of being a Turk, or even an Algerine by birth, and his advancement which has been owing entirely to his activity, enterprize and singular good fortune has excited the jealousy and hatred of the other commanders, who are far inferior to him in point of talents; but he is much beloved by the sailors (if such they may be called who go out in their cruizers.) He is an Arab of the mountains, of one of the tribes of Carbiles; he came to Algiers when a boy, to seek a livelihood, as is the custom of those people, and going out in one of the cruizers, became attached to that mode of life, and has risen to his present rank. He is about forty years old.

"The crews of their cruizers consist principally of the lowest and most miserable order of people in Algiers, known by the name of Biscaries and Carbiles, from the tribes to which they belong. They are either taken from the streets at the moment when a cruizer is about to sail, or if a previous cruize has been fortunate they go on board voluntarily in great numbers, hoping to obtain plunder or prize money. As the last cruize of their corsairs was esteemed fortunate by the capture of a number of Greek vessels loaded with wheat, and each man shared about $ 50, the vessels have been crowded with volunteers on the present cruize. Besides these there are a few who may be called good seamen for Algerines; and about ten or twelve Turkish soldiers to every hundred men on board the vessel.

"They know nothing of regular combat at sea, and if kept from boarding distances, they could not withstand one half their own force on board another vessel, which should be tolerably well managed in the usual mode of sea-fighting. It is on boarding that they depend entirely to overcome an equal or any force that will contend with them. These attempts they sometimes make with a desperation bordering on madness; but if foiled in that they have no other resource.

"After this account of the Algerine cruizers and their crews, which is faithful and correct, I am sure that our brave officers and seamen would rejoice to meet them with only half their force, if circumstances should make a recurrence to arms necessary on our part, and our ships come freely into this sea.

"Enclosed is the account of the settlement of the cargo of the brig Paul Hamilton, made at the palace on the 22nd instant, and although the prices allowed for the cordage and cables are at a great loss to the United States, yet those given for the plank and turpentine, &c. make the settlement upon the whole as good as usual, and had the cargo of the ship Allegany been received at the same rate, it would have paid the balance up to September next, which completes the 17th year of our treaty, according to our computation of time. The account of annuities between the United States and Algiers, as per treaty, stands simply thus:

Dr. The U. S. to the Dey and Regency of Algiers, To 17 annuities, ending September 5th, 1812, at $ 21,600 per year,	$ 367,200
Supra *Cr.*	
By 14 1-2 anuities paid as per receipts, at $ 21,600 per year,	313,2000
By a tiscary given at the last settlement for a balance in favor of the U. States, 14,480 old sequins,	26,064
By the amount of stores brought by the brig Paul Hamilton, as per settlement July 22nd, 1812,	12,099
	$ 351,363
Balance due to the regency of Algiers on the 5th September, 1812,	12,837
	$ 367,200

"The regency of Algiers counting the time by the Mahomedan computation of 354 days to the year, make 17 1-2 years, which is an addition of half a year, or $ 10,800 to the above balance, which makes their balance $ 26,637 to the 5th of September 1812, for which the Dey demands $ 27,000, in round numbers."

British view of the war.

FROM THE EDINBURGH REVIEW, FOR NOVEMBER, 1812.

Review of "*American state papers: containing the correspondence between Messrs. Smith, Pinkney, Marquis Wellesley, &c.*"

So little is to be gained and so much to be lost by an American war, that though our preposterous policy has at last brought the disputes between the two nations to this issue, no class of politicians seems wholly satisfied with the result. Strictly speaking, indeed, we have no real quarrel with America; our contest with that power arising incidentally out of our main quarrel in Europe. America invades us in no substantial interest—she crosses us not in any favorite walk of policy—she aims no blows at our prosperity or independence; and, being excluded from all the common scenes of European ambition, her case afforded, to all appearance, no great scope to the common jealousies of politicians. After a twenty years' war with France, however, we are now fairly involved in an additional war with this apparently harmless power—having for this purpose sacrificed all those ancient connexions of trade which gave the two countries so great an interest in the maintenance of peace. The exports of Great Britain to America amounted annually to ten millions. All this vast trade, and the animating scenes of industry and business which it produced, the war lays waste at one blow. But it is not merely as a case of profit and loss, though in this view it is sufficiently important, that the subject ought to be contemplated. The trade between Britain and America, independent of its profits to individuals, accomplished objects which must ever be dear to the friends of human improvement. Our readers are no doubt aware that America, like all other rising communities, having her whole spare capital embarked in agriculture, must necessarily depend on other countries for a supply of manufactures, in exchange for which they receive an equivalent in rude produce. Such was the nature of the trade carried on with this country; by means of which America, assisted by the wealth and industry of Britain, was left free to pursue the great work of domestic improvement, while Britain found, in the demands of America, ample employment for her overflowing capital and her numerous artizans. The trade thus diffused industry, plenty, and smiling looks through this once prosperous and happy land; while it gave energy to the wide-spreading agriculture of the new world, and extended cultivation over its lonely wastes.

From a picture so delightful to contemplate, we

turn with no pleasing emotions to the policy by which it has been defaced. The correspondence before us relates to the orders in council, and to other unfriendly acts committed against the American trade; and though we have no intention of reviving these hateful controversies—though we would willingly forget this everlasting stain on the character and policy of our country—yet there is one view of the case suggested by these papers which we cannot avoid laying before our readers. It is instructive to look back to what has happened, that we may draw lessons, for the future, from the dear-bought experience of the past.

It was long the anxious business of the American minister, as appears from the documents before us, to procure by persuasion an abandonment of the measures hostile to the American trade. He urged his case on views of justice and of general policy—he calmly combated the pretexts by which he was met—he boldly and pointedly asserted, that the claims of this country must, sooner or later, be abandoned; and he added, what ought never to be forgotten, that they were unjust—and that time, therefore, could do nothing for them. His representations were met by declarations of "what his majesty owed to the honor, dignity and essential rights of his crown," and by all the other sounding common places usual on such occasions. These sentiments were afterwards explained at greater length, and promulgated to the world in the deliberate record of a state paper. But in spite of the honor of majesty thus pledged to these obnoxious measures, *they were repealed.* A laborious investigation into their merits ended in their unqualified reprobation and abandonment—their authors were unable to look in the face the scenes of beggary, disorder and wretchedness, which their policy had brought on the country; they were borne down by the cries of suffering millions—and they yielded at length to necessity what they had formerly refused to justice. This was clearly, therefore, an act of unwilling submission. It bore not the stamp of conciliation; and the only inference, to be drawn from it was, that the plotters of mischief, being fairly caught in their own snare, were glad to escape, on any terms, from the effects of their ill-considered measures. How forcibly does this transaction teach the necessity of a prudent and moderate conduct! How strikingly does it mark the contrast between insolence, which delights in abusing power, and true dignity, which, being founded on a reverence for justice, can never be humbled!

The repeal of the orders in council has considerably narrowed the controversy between the two countries; and were it not for the rankling of past injuries, the few remaining points of difference might, we should imagine, be very speedily adjusted. The Americans still complain of the undue extension we have given to the privileges of blockade—and of the impressment of their seamen under the character of British deserters.

On both those points the rulers of the two countries are agreed, as far as the principle is concerned. America insists that no place shall be held blockaded, unless it is so surrounded as to make it dangerous to enter, and we do not object to this definition of blockade. On the other question still at issue, it may be shortly observed, that, as we have gone to war with America in defence of the supposed privileges of naval war, we would do well to ascertain to what extent those privileges can be safely pushed. Will the warmest advocates of maritime supremacy now assert that we have not suffered equally with our enemies in the contest of mischief which has been stirred up between us in Europe? Admit that we have ruined our enemies trade—that our hostility has been deeply felt in the misery which it has produced in France—have we ourselves not participated largely in the general distress? It is of little moment what privileges we may be entitled to, according to the theory of the law of nations; since it is plain, that if we push our abstract notions of maritime right to their extreme consequences, no nation will agree in the result—universal war and misery will be the consequence—and every state will suffer exactly in proportion to its interest in peace and good order. In such a struggle, it is just as likely that we should be the first to cry for quarter as our enemies; and in point of fact the first concession has come from this country. We were unable any longer to bear the interruption of trade occasioned by the orders in council—and, therefore, these measures were repealed.

It is clear, therefore that some limits must either be fixed to the persecution of our enemy's trade, or we must come in for a large share of the miseries resulting from our hostility. However high we may hold our abstract rights, they must always, when reduced to practice, admit of some temperament, and amicable compromise with the rights of others. During the whole of the last war, accordingly, such a compromise existed; and the dreadful crisis which has befallen the present times was thus happily avoided. The policy then pursued, though not perhaps, strictly consonant to theory, was safe in practice Its effect was to permit, under certain restrictions, neutral states to carry on the colonial and coasting trade of the enemy. But it laid the intercourse under some disadvantages.—It threw considerable inconvenience in the way of the French merchant, and increased to him the price of all his imported produce. And to this extent, and no farther, is it possible to carry the damage of a naval war. In this privilege of laying the enemy's trade under some little increase of charge, consists the full value of what has been so vehemently admired in this country under the specious appellation of maritime rights. Naval warfare cannot be pursued to the utter extinction of trade. It cannot prevent mankind from a mutual exchange of their surplus produce—as this would be equivalent to an interdict on the productive powers of nature; and whenever it is pushed to such an excess, it must reduce all who are engaged in it to one common level of distress and ruin. We would humbly recommend, therefore, a return to those established maxims of maritime law, under which the industry of unoffending states reposed in security, while this country presented a picture of comparative comfort and peace. The laborer was then peaceable and happy—he was enabled to provide, by his industry, for himself and his helpless offspring—he was not driven by want to acts of riot and desperation. These are the evils which it is so desirable to prevent; and it cannot be denied, that they lie deep in the policy of the country.

The impressment of American seamen into the British service, which has naturally arisen from the resemblance of the two nations in language and manners, has given rise, we fear, to much deep rooted animosity. On this subject, however, both parties profess a complete union of principle; but the difficulty consists in finding some practicable arrangement for preserving to each its respective rights. Hitherto British ships of war have been in the practice of searching American merchantmen, and taking out, in a summary manner, such of their crew as they judged to be British. Certificates of American citizenship, or other evidences might be offered—on which it rested with the British officer to decide; so that every American seaman might

be said to hold his liberty, and ultimately, his life, at the discretion of a foreign commander. In many cases, accordingly, native born Americans were dragged on board British ships of war—they were dispersed in the remotest quarters of the globe—and not only exposed to the perils of service, but shut out, by their situation, from all hope of ever being reclaimed. The right which we undoubtedly possess of reclaiming runaway seamen, was exercised, in short, without either moderation or justice; and though the government was no party in the first instance to these proceedings, yet there is no doubt that these outrages might, with some little activity, have been prevented. The natural consequence of injury is resentment; and we are not, therefore, to wonder if the Americans came a little heated to the discussion of these long contested claims. But we have great faith in the efficacy of conciliation for the termination of strife, whether foreign or domestic. It is seldom, we imagine, that those who seek peace, as Mr. Burke expresses it, in the spirit of peace, ever finally miss their object.—Without yielding the claim of right, therefore, might we not, in consideration of what America has suffered by its practical assertion, allow her to propose some other expedient equally effectual and less offensive? If it be ultimately found that no such expedient can be suggested, then we might claim the right of search with a better grace, and were we to guard against its abuse with due caution, it might possibly be re-established without any offence to neutral powers. The mere discretion of naval officers ought, certainly to be relied on as little as possible; for, sorely as they are frequently beset for want of men, they must clearly have a strong bias against the rights of American citizens. Some strict provision ought, therefore to be made for landing, within a given time, those who are detained under so suspicious a judgment, that their case may be calmly reviewed; and while ample and speedy redress ought to be made to the injured parties, every act of outrage or palpable injustice, ought to be visited with exemplary damages. It is not only necessary, we should recollect, to possess rights; but those rights must be exercised without offence—or they *must* be resisted. It is the business of this country, therefore, to seek an amicable discussion of contested privileges, to listen to objections—and, finally, to modify and compromise, that the contended for may be made practicable; otherwise it is good for nothing.

After all, however, the value of the object in dispute is the thing as to which we candidly confess that we have the greatest doubts. The question is, what is the actual amount of the damage sustained—what is the number of seamen who take refuge from the naval conscription of Britain in the service of America? Would the number of men likely to be annually lost to the country, under such an arrangement as would satisfy the Americans, and under the most rigorous exercise of our rights, differ in such a degree as to have any perceptible influence on our naval operations? These are questions of great importance; as it is highly necessary to know how far the object at issue bears any proportion to the risks and losses of the contest; for if it be of little value, then we are quarrelling for an abstract principle, a mere theory in the law of nations, which is no way binding on our policy. We had occasion, in a former number, to remark, while discussing the same subject, that as a nation which raises a surplus of subsistence for exportation always ensures a supply for its own consumption, so there is every reason to think, that by training a surplus number of seamen for the use of others, we shall have always more abundance for our own service. The merchant trade of the country is the great fund for training our navy, and there is surely no great reason for jealousy or apprehension, because the supply overflows into the service of other countries. Every view of the case, then, seems strongly to prescribe the policy of caution and forbearance in the prosecution of this claim; and in any negociation to which it may give rise, it never ought to be forgotten that the trade which this quarrel has already interrupted gives bread to thousands of industrious mechanics in this country; while, in America, it couches the desert with cultivation, and extends the boundaries of rational nature.

We touch but lightly at present on these topics, both because we still entertain a hope that matters may be accommodated in such a way as to render it unnecessary to go more deeply into the subject—and because we must return to them in another tone and another temper, if it shall appear that the means of accommodation have been ignorantly neglected or madly refused. It is impossible to leave the subject, however, without again calling the attention of our readers to the unexampled and unnatural folly of this war between men of the same kindred and tongue—the only two free nations that are now left in the world—and the only two that have a constant, an equal, and an evident interest to keep well with each other. On our part especially, it is obvious that we have absolutely nothing whatever to gain, and almost every thing to lose, in this deplorable conflict. Since the revocation of the orders in council, there is really no *principle* at issue between the two countries. The limits of the right of blockade are fixed by the law of nations upon grounds that admit of no serious dispute; and stand declared by our own living judges in terms with which America professes to be completely satisfied. With regard to the impressment of seamen, again, America does not deny that we have a right to reclaim such men as we can prove to be British subjects, and owing allegiance to our crown; and we do not pretend to have any right to impress any who are really and truly citizens of America. The whole quarrel is about the proper means of asserting these rights—of the substantial value of which, we have already said a little—as to the practical exercise of which, we take it to be utterly impossible that two nations, like England and America, can ever cordially agree. The truth is, that there are very many such cases; and that neutrals and belligerents do but very seldom agree as to the regulations by which the rights of war and of neutrality are to be respectively secured. The matter is always practically adjusted by a sort of compromise, under which both parties consent to pass from a part of what they maintain to be their legal right, and things go on with a little grumbling, till the restoration of peace takes away all occasion of discussion.

We are now at war, however, for the assertion of our own way of exercising those rights; and have begun accordingly by destroying the very thing for the beneficial possession of which we profess to be contending. What we claim, is a right to treat *neutrals* in a certain way—to derive what they consider as an excessive advantage from their neutrality—and to impose what they call an unreasonable restraint on their intercourse with the enemy—and, in pursuit of this object, we put an end to the very name of neutrality. We convert all neutrals into open enemies; and drive them into the cordial alliance of that hostile power with whom we would not allow them a very limited communication! Such is the object and pretext of the war—and such its immediate and necessary effect.

Other object or pretext it can have none. America has no possessions that we can take from her—none, we believe, that we have even a desire to obtain. We have no hope, therefore, of acquiring any thing whatsoever by persisting in this contest; and we are at war for the naked and barren power of asserting our belligerent rights in our own way; or, to speak more properly, we have turned the last neutral into an enemy, rather than submit to an amicable discussion upon the least oppressive way of exercising a right, the existence of which is not so much as disputed. Such is the utmost amount of our possible gains—our losses, certain and probable, do not admit, we fear, of so short an enumeration. We shall speak only of the former.

In the *first* place, then, we lose our whole trade with America—almost the only foreign trade that was left to us—and at all times worth infinitely more than all the rest put together. After what we said in our last number on this subject—and while the universal and agonizing distress into which the country has relapsed, speaks in accents too piercing to be borne, in every quarter of the land, we forbear to add one word upon a theme so copious and so conclusive. In the *second* place, we lose all the men and the money that must be sacrificed to the carrying on of this war—at a moment when our finances are confessedly almost inadequate to the prosecution of the other wars in which we are engaged—and when the success of those great and glorious exertions appears to be almost desperate, from the mere circumstance of the impossibility of finding men to supply the place of those who perish. In the *third* place, we take it to be one of the *certain* consequences of the continuance of this war, that we shall either lose Canada for ever, to the great disgrace and mortification of the country—or be obliged to abandon the Peninsula, and carry on a still more sanguinary and expensive war for its preservation. In the *fourth* place, our West India colonies will be starved; and their trade, which so many other causes have concurred to depress, almost entirely ruined by the swarms of privateers which will issue from every point of the adjoining continent; while our own supplies of grain, in the event of a deficiency at home, and of naval stores, in the event of disasters in the north, will be almost entirely cut off. Finally, we shall excite not only a spirit of rooted hostility among a people obviously destined to outnumber any European nation—but we shall train them before their day to the cultivation of their home manufactures, and lose for ever that trade which it is our most obvious interest to retain.

But it may be said we did not make the war. The defiance was given, and the blow struck by America; and now we are under the absolute necessity of fighting, or giving up the honor and the substantial interests of the nation. We cannot bring ourselves to admit this: but if the fact were made out, we should concur most heartily in the conclusion. A nation like England should submit to any thing rather than to the slightest impeachment of her honor. It is not only her pride and her enjoyment—but her actual strength and security, and the vital spring of all her prosperity. If our honor is really committed in this contest—and if America will listen to no terms of pacification which it is fitting for us to concede—then the contest must go on; and every thing else must be sacrificed to maintain it with spirit and effect. But if matters are come at last to this deplorable extremity—if it be true that we are *now* under the necessity of yielding up the national honor, or of persisting in such a war as we have described, it cannot, at least, be denied, that it is a crisis which has been very recently produced; and that it has been produced by men, and by measures that are sufficiently notorious. There is not a man in the kingdom who can doubt, that if the orders in council had been rescinded six months sooner, the war might have been entirely avoided, and all other points of difference between the countries adjusted upon an amicable footing. Nor is there an individual who has attended at all to the progress of the dispute, who does not see that it was embittered from the first, and wantonly urged to its present fatal issue, by the insolent, petulent, and preposterous tone of those very individuals who insisted upon that miserable experiment—and plunged their own country in wretchedness, only to bring down upon it the reluctant hostility of its best customers and allies. If those mischievous and despicable councils were once cordially renounced—if this paltry and irritating tone were forever interdicted at our public offices—if the negociation were committed to a man acceptable to the Americans, and free from the suspicion of insincerity which the character of our late diplomatic communications with her have so naturally excited; we are fully persuaded that a speedy and an honorable termination might yet be put to this unnatural contest, which, if it be purely ruinous and disreputable to us, promises also to be so much more detrimental than beneficial to our opponent.

At present, however, we confess that we look in vain for the indications of such a salutary change of policy—and are even disposed to fear that the same spirit of animosity and unconciliating contempt which has evidently pervaded the whole proceedings of the government, still prevails to a considerable extent among the body of our people. The pressure of present distress is too heavy indeed to allow the war itself to be popular—but we suspect that the temper and disposition which have provoked it are still pretty general—and such are the arts by which courtly prejudices have been fomented, and ancient grudges kept alive, that no small part of the nation look with feelings of peculiar hostility towards the people which they bear the nearest resemblance; and willingly abet their rulers in treating the Americans with less respect and less cordiality than any other foreign nation. If this proceeds from considering them as weaker than any other nation, we cannot say it is very magnanimous—if from regarding them as our own rebellious offspring, it is neither very generous or very wise.—They asserted their independence upon principles which they derived from us, and upon which we still make it our boast and glory to act. Their revolt was the real evidence of their consanguinity—their rebellion against us the surest proof of their genuine descent: and while all rational men are now satisfied that their independence is much more advantageous to us than any form of their submission could have been, surely there is nothing in their having established a free government, that ought to give rise to any feelings of repugnance or hostility in us. They are descended from our loins—they speak our language—they have adopted our laws—they retain our usages and manners—they read our books—they have copied our freedom—they rival our courage; And yet they are less popular and less esteemed among us than the base and bigoted Portuguese, or the ferocious and ignorant Russians.

From what does this arise—or on what pretext is it justified? We can hear but one answer to this: and it is really so weak and so absurd an answer, that if it had not met us in so many quarters, we should not have believed that it could ever have been seriously given. Their manners, it seems, are not agreeable—society with them is not on a good foot-

ing—and upon the whole, they are far from being so polite and well bred as might be desired. Now we should really be inclined to doubt whether it would be a justifiable cause for seriously quarrelling, even with a next door neighbor, that he had a bad taste in anecdotes, and did not thoroughly understand the arrangement of evening parties: But to insist upon going to war—with a whole nation—at the other side of the Atlantic—because it has been reported that their rich people are not very elegant, that their dinners are vulgar, and their routes dull—does appear to us to be somewhat extravagant and unreasonable. It is impossible, however, not to remark, that those who hate the Americans so much for their inattention to the grace in their manners and conversation, cannot be supposed to feel any great love or respect for the greater part of their own countrymen; for, though we are not absolutely nor altogether a nation of shopkeepers, we are very much afraid that more than nine-tenths of the middling and better sort of people among ourselves belong to this reprobated class of traders and dealers, and have very much the same manners with their brethren in America. The society of New-York and Philadelphia, in short, we imagine, must be at least as good as that of Glasgow or Manchester; and though we make no doubt that the *beau monde* of the latter places will be extremely scandalized at the supposition, we can assure them that the Americans consider it as just as little flattering to them; at least we have now lying before us a New-York publication, in which one of these republican wits makes himself exceedingly merry with the ignorance, vulgarity, and forwardness of the *English* traders and agents that occasionally resort to his city.

This objection, then, though we hear it daily made by persons who have not the slightest conception of what polite society is, is obviously quite ridiculous in the mouth of all but the few who move in the very highest circles of fashion; and can only relate to the few who hold a similar rank in the scale of American society, and discharge its functions, it seems, in a less perfect manner. The great body of the people is better educated, and more comfortably situated, than the bulk of any European community, and possess all the accomplishments that are any where to be found in persons of the same occupation and condition. The complaint is, that there are no people of fashion—that their column still wants its Corinthian capital—or, in other words, that those who are rich and idle have not yet existed so long, or in such numbers, as to have brought to full perfection that system of ingenious trifling and elegant dissipation, by means of which it has been discovered that wealth and leisure may be most agreeably disposed of. Admitting the fact to be so, and in a country where there is no court, no nobility, and no monument or tradition of chivalrous usages, and where, moreover, the greatest number of those who are rich and powerful have raised themselves to that eminence by mercantile industry, we really do not see how it could well be otherwise—we would still submit that this is no lawful cause either for national contempt, or for national hostility. It is a peculiarity in the structure of society among that people, which, we take it, can only give offence to their visiting acquaintance; and while it does us no sort of harm while it subsists, promises, we think, very soon to disappear altogether, and no longer to afflict even our imaginations. The number of individuals born to the enjoyment of hereditary wealth is, or at least was, daily increasing in that country; and it is impossible that their multiplication—with all the models of European refinement before them, and all the advantages resulting from a free government and a general system of good education—should fail, within a very short period, to give birth to a better one of conversation and society, and to manners more dignified and refined. Unless we are very much misinformed, indeed, the symptoms of such a change may already be traced in their great cities. Their youths of fortune already travel over all the countries of Europe for their improvement; and specimens are occasionally met with even in these islands, which, with all our prejudices, we must admit would do no discredit to the best blood of the land from which they originally sprung. Mr. Weld, indeed, and farmer Parkinson, give a very uninviting picture of their society; but M. Tallyrand and the Duc de Liancourt are by no means so fastidious; and we cannot help suspecting that, upon a point of this nature, their opinion is entitled to full as much weight as either of those English authorities. We are not anxious, however, to establish their title to the capabilities of politeness. We only wish to encourage a disposition to be at peace, and to trade with them; and for that purpose we really think it enough, if it can be shown that they are good customers, and dangerous enemies.

Legislature of Delaware.

[The following was inadvertently passed over at the time it should have been inserted in the REGISTER—but as an article for present perusal or future reference, is too valuable to be omitted on that account. [ED.

GOVERNOR'S MESSAGE.

Fellow-Citizens of the Senate,
And of the House of Representatives,

During the preceding year, this state has enjoyed unexampled prosperity. The increase of banking establishments, the prosecution of internal improvements and the extending of manufactures have evinced the growing wealth of our fellow-citizens and the increase of their means of acquisition. Although our nation is involved in war, we have yet felt none of its calamities; while such were the wrongs perpetrated against our country by the kingdom with which war has been declared, as to evince us, that the evils of this war, whatever they may be, cannot equal the evils arising from the outrages which produced it.

From the treaty of peace in 1783, by which his Britannic majesty acknowledged the United States to be free, sovereign and independent states, Great Britain has manifested extreme jealousy of their increasing commerce and flourishing condition. This jealousy has constantly shewn itself in studied embarrassments of the trade, and in wanton violations of the sovereignty of our country. By capricious commercial regulations, she has spoiled our citizens of their property, and by impressing from on board our merchant vessels any persons, whom the commanders of her ships of war might choose to enslave, she has trampled upon the dignity of our flag, not admitting it to give character or protection to those who sailed under it. In the wars which have harrassed Europe, it has been the object of the U. States to remain neutral, and they have claimed the rights, to which they, as a neutral nation, were entitled.—It has been the study of Great Britain to deprive them of these rights by the violation of public law. In 1805 her outrages had been carried to an alarming extent. Under pretext of a principle, which they before had insisted upon, but which she had openly and solemly renounced, she interdicted to neutrals a commerce with her enemy, which she permitted her own subjects to carry on, and which she licens-

ed to neutrals, upon conditions so framed, as to secure to herself a monopoly of the commerce of the world. The senate of the United States viewing this subject as demanding their consideration, on the 12th of February, 1806, resolved unanimously "That the capture and condemnation, under the orders of the British government and adjudications of their courts of admiralty, of American vessels and their cargoes, on the pretext of their being employed in a trade with the enemies of Great Britain, prohibited in time of peace, was an unprovoked aggression upon the property of the citizens of these U. States, a violation of their neutral rights, and an encroachment upon their national independence." On the 14th of the same month, the senate of the United States further resolved by a majority of 23 to 7, in which majority we read the names of the honorable senators from this state, "That the President of the United States be requested to demand the restoration of the property of their citizens, captured and condemned on the pretext of its being employed in a trade with the enemies of Great Britain, prohibited in time of peace, and the indemnification of such American citizens for their losses and damages sustained by these captures and condemnations; and to enter into such arrangements with the British government, on this and all other differences subsisting between the two nations (and particularly respecting the impressment of American seamen) as might be consistent with the honor and interests of the U. States, and manifest their earnest desire to obtain for themselves and their citizens, by amicable negociation, 'that justice to which they are entitled.' From these resolutions, thus decisively adopted, by the most august body known to our constitution, it was to have been inferred, that this nation would not long endure the wrongs so solemnly remonstrated against. Amicable negociation was tried and was found fruitless. The expostulation of our government against the aggressions of Great Britain were either answered by insult or followed by outrage—To these resolutions of the senate of the United States succeeded the blockade declared by his Britannic majesty in May, 1806, of the long line of coast from the Brest to the Elbe. This blockade was notoriously not a measure of war, but a commercial regulation. The object of Great Britain was to debar neutrals from trading with her enemy;—not to prevent supplies from entering places which she had invested with a design of taking them.—To this blockade succeeded the orders in council of January and November, 1807. These orders were avowedly in violation of the laws of nations. They produced a state of war upon our commerce, organizing a more extensive system of spoliation, and rendering the greatest portion of our foreign trade tributary to the British government. Taxes upon our export, which our own congress could not impose, were laid by his Britannic majesty and sanctioned by his parliament. In consequence of the remonstrance of our government against this taxation, the taxes were at last repealed, and in their places was substituted a general prohibition of the trade which had been thus taxed: and our government were told, that they must consider this total deprivation of the right which they insisted upon, as full redress of the injury of which they complained.

In the various modifications which these orders in council have assumed, the essential principle always remained the same. The destruction of the commerce of this country to promote the commerce of England, has been their uniform object. They have gone hand in hand with the practice of impressments, the one enslaving the persons, the other confiscating the property of our citizens.

Against these outrages upon the persons and property of the citizens of the United States the government of our country have constantly expostulated. They have appealed to the honor, to the justice and to the interest of the British nation. Their appeals have been in vain. To their complaints against the impressment of American seamen, the British government have answered, that the practice was essential to the prosperity of their navy.—But in adhering to this practice, the object of Great Britain cannot be to secure her own subjects, for it has been proffered to her to discontinue this practice under an arrangement, that all British subjects should be excluded by law from our ships. The great number, more than six thousand, of American citizens confined on board her ships of war, evidences the extent of her injustice in this particular, and her refusal to accede to the equitable arrangements proposed to her on this subject, shews, that she intends to enjoy the fruits of this injustice and persevere in the commission of similar wrongs.

In excuse of the orders in council the British government have said that these were measures of retaliation: not of retaliation against the United States; for the United States had done to Britain no injury; but of retaliation against France, who had interdicted British commerce. France had done wrong and we are made to answer for it.——Great Britain thus, according to her own profession, resembling that blind fury which, not being able to reach the object exciting it, destroys every thing within its power. Nor can these orders be considered as measures of retaliation against France.—The design was not to deprive France of the commerce which they concern, but to secure to Great Britain the advantages of this commerce. The trade which they prohibit, Great Britain herself carries on; she will permit us to prosecute it through her ports, paying her for the privilege. So that all her reasons for her outrages, resolves themselves into these, that as the prosperity of the British navy requires the impressment of American seamen, so the prosperity of the British funds requires, that we should have no commerce except through her ports and subject to her taxation. Great Britain has thus made her own interest the sole rule of her actions, violating all public law, disregarding all national rights, and trampling under her feet the sovereignty of our country.

For more than six years from the adoption of the before mentioned resolutions by the senate of the United States, amicable negociations with the British government were continued. An arrangement solemnly entered into with the minister of that government, by which the British nation was to concede nothing of right and this country could gain nothing but a partial redress of its wrongs, was instantly disavowed by his Britannic majesty. Nor until every thing had been tried, till the government of our country has ascertained, that the practice of impressment would not be abandoned, and had been assured by the British cabinet and its accredited minister in the United States that the orders in council would not be repealed except upon the condition, that we should be permitted to trade to France and other places on the continent of Europe in British manufactures and in the produce of the British soil, a condition, which with France and the other nations of Europe, we had no right to insist upon, and which we could not enforce, nor until the orders in council were carried into execution by British cruizers sailing along our own shores, did

the congress of the U. States declare the existence of war between the king of the united kingdom of Great Britain and Ireland and the dependencies thereof, and the United States and their territories.

It is difficult to conceive what other course than that adopted by the congress of the United States could have been pursued. Years experience of negociation had proved, that this was hopeless. Extravagant and extraordinary pretensions had been followed by pretensions still more extravagant and extraordinary. Because the British navy must be manned—our seamen must be impressed; because the British funds must be replenished, our commerce must be rendered tributary; because the British manufactures must be encouraged and the produce of the British soil exported, we must carry these to France and other places on the continent of Europe; because Britain must maintain her ascendant power, we must surrender our rights. It was seen that the unwieldy greatness of England crushed every thing in its way; nor could we fear more from her enmity, than we had endured from her pretended friendship. We were driven to a crisis, when we must either have resigned our sovereignty as a nation, in peace, or vindicate it by war. That the war is just, is universally admitted. From every view which I have been able to take of the subject, I believe it to have been necessary; and that the conduct of the government of the United States in declaring it deserves unqualified approbation.

It is said indeed, and truly, that France has injured us. Her aggressions have undoubtedly been great and numerous; such as our government have strongly remonstrated against, and such as, if persisted in, they must and will oppose by force. But the injuries done by one nation form no excuse for those committed by another. It is no reason, that we should suffer wrongs by one, that we have been wronged by others. The more correct conclusion would be to repel wrongs when perpetrated against us by one nation, in such manner as to render others cautious how they offer to us either injury or insult. Among nations, as among individuals, submission invites aggression—"To spare the humble and subdue the proud," is not the rule of action with mankind.

War has been declared. In whatever light the measures which have led to it may be viewed, the feelings of every American must require, that it should be prosecuted with vigor. Averse to war, we know, that an efficient prosecution of that in which we are engaged, will be the best security against war hereafter. The crisis has come, when we must convince the world that we know how to value our rights and have means to enforce them; that our long suffering of injuries has proceeded from our love of peace, not from any apprehension of the event of war; that our friendship is to be desired, and our enmity to be deprecated.

We have been informed by the President of the U. States and have seen in the public documents, that immediately after war was declared, the President proposed to the British government the terms on which its progress might be arrested. These terms required, that the orders in council should be repealed as they affected the United States without a revival of blockade violating acknowledged rules; and that there should be an immediate discharge of American seamen from British ships, and a stop to impressment from American ships, with an understanding that an exclusion of the seas, men of each nation from the ships of the other should be improved into a definitive and comprehensive adjustment of depending controversies." From these terms the welfare of our country requires, that our government should never recede. We can never consent to peace leaving our commerce a prey to lawless violence, our countrymen in bondage, and our enemy in possession of a claim to enslave them, wherever she can find them upon the ocean. The reasonableness of these terms, the conciliatory manner in which they were proposed, and the manner in which they were received and rejected by the British government, if there had not already existed abundant evidence on this subject before, are sufficient to convince us, that we can hope and expect nothing from the justice or friendship of Great Britain. It only remains for us to compel her to grant to our power what we have so often solicited her to yield to our rights.

A war thus waged for the protection of the property and persons of our countrymen, for redress of accumulated wrongs and for future security against such wrongs must have the undivided support of this nation. England openly calculates upon our divisions. During the revolutionary war, her minister publicly professed the ungenerous maxim—"Divide and govern." She was mistaken then; she is mistaken now. The fundamental principle of our constitution is, the will of the majority shall rule. To suppose a case in which this will, constitutionally expressed, shall not carry the obligation to obey, is to suppose a case which cannot happen.—If ever such supposition shall be seriously acted upon, the union will be dissolved. Nor can I understand the reasoning, which admits to the general government and its several branches certain constitutional powers, but denies to them the right to determine the time and manner of exercising these powers. To deny to them such right of determination is to divest them of their authority. It is the most effectual step toward a separation of the states.

Urged by considerations which this subject presents to me, I must again and earnestly solicit your attention to our militia laws. The propriety of revising these laws and so framing them as to form an efficient militia, has been so often dwelt upon, that I can present it to you in no new light. I can only add, that our nation is now engaged in war, that our enemy abounds in wealth and is powerful in arms. War has long been her trade; from her we must expect no common struggles. Our situation is exposed to danger. Our safety requires that we should prepare to defend ourselves. Our militia must be our principal defence. If we will organize our militia, it will be sufficient for us; and I deem it of the first importance, that the militia should be efficiently organized. To this purpose an energetic militia law is indispensably necessary; such a law as shall command the personal services of all liable to militia duties. The militia law cannot be intended as a means of taxation. It must be so framed as to exclude the probability that the duties which it enjoins will be commuted by the fines that it imposes, or little good will result from it.

[The residue of this excellent speech is confined to subjects of a local nature.]

FROM A LATE LONDON PAPER.

TEA.—*The quantity of this exhilirating beverage, drank in these kingdoms, is most astonishing. Every three months the East India Company put up six millions of pounds weight to sale, viz:*

Bohea	800,000 lbs.
Congou and Campoi, Souching and Peken,	4,500,000
Singlo and Twankey . . .	850,000
Hyson Skin	100,000
Hyson	250,000

Charter of Rhode-Island,

GRANTED BY CHARLES II. IN THE FOURTEENTH YEAR OF HIS REIGN.

Quintadecima pars Patentium Anno Regni Regnis Caroli Secundi Quintodecimo.

CHARLES the second, by the grace of God, &c. To all, to whom these presents shall come, greeting. Whereas we have been informed, by the petition of our trusty and well beloved subjects, John Clark, on the behalf of Benedict Arnold, William Brenton, William Codington, Nicholas Easton, William Boulston, John Porter, John Smith, Samuel Gorton, John Weeks, Roger Williams, Thomas Olney, Gregory Dexter, John Cogeshall, Joseph Clarke, Randall Houlden, John Greene, John Roome, Samuel Wildbore, William Field, James Barker, Richard Tew, Thomas Harris, and William Dyre, and the rest of the purchasers and free inhabitants of our island called Rhode-Island, and the rest of the colony of Providence Plantations, in the Narraganset-Bay, in New-England in America—That they, pursuing with peace and loyal minds, their sober, serious, and religious intentions, of Godly edifying themselves, and one another in the holy christian faith and worship as they were persuaded, together with the gaining over and conversion of the poor ignorant Indian natives, in those parts of America, to the sincere profession and obedience of the same faith and worship, did not only, by the consent and good encouragement of our royal progenitors, transport themselves out of this kingdom of England, into America; but also since their arrival there, after their first settlement amongst other of our subjects in those parts, for the avoiding of discord, and these many evils which were likely to ensue upon those our subjects, not being able to bear, in those remote parts, their different apprehension in religious concernments: and in pursuance of the aforesaid ends, did once again leave their desirable stations and habitations, and with excessive labor and travail, hazard and charge, did transplant themselves into the midst of the Indian natives, who, as we are informed, are the most potent princes and people of that country; where, by the good providence of God, (from whom the plantations have taken their name) upon their labor and industry, they have not only been preserved to admiration, but have increased and prospered, and are seized, possessed by purchase and consent of said natives, to their full content, of such lands, islands, rivers, harbors, and roads, as are very convenient both for plantations and also for building of ships, supplying of pipe-staves, and other merchandise, which lie very commodious, in many respects, for commerce, and to accommodate our southern plantations, and may much advance the trade of this our realm, and greatly enlarge the territories thereof; they having by near neighborhood to, and friendly society with, the great body of Narraganset Indians, given them encouragement, of their own accord, to subject themselves, their people and land unto us; whereby, as is hoped, there may, in time, by the blessing of God upon their endeavors, be laid a sure foundation of happiness to all America:

And whereas, in their humble address, they have freely declared that it is much on their hearts (if they be permitted) to hold forth a lively experiment that a most flourishing civil state may stand, and best be maintained, and that among our English subjects, with a full liberty in religious concernments; and that true piety, rightly grounded upon gospel principles, will give the best and greatest security to sovereignty, and will lay in the hearts of men the strongest obligations to true loyalty:

Now know ye, that we, being willing to encourage the hopeful undertaking of our said loyal and loving subjects, and to secure them in the free exercise and enjoyment of all the civil and religious rights appertaining to them, as our loving subjects: and to preserve unto them that liberty in the true christian faith and worship of God, which they have sought, with so much travail and with peaceable minds and loyal subjection to our royal progenitors and ourselves, to enjoy; and because some of the people and inhabitants of the same colony cannot, in their private opinion conform to the public exercise of religion, according to the liturgy, form, and ceremonies of the church of England, to take or subscribe the oaths and articles made and established in that behalf; and for that the same, by reason of the remote distances of those places, will, as we hope, be no breach of the unity and uniformity established in this nation, have therefore thought fit, and do hereby publish, grant, ordain, and declare, that our royal will and pleasure is:

That no person within the said colony, at any time hereafter, shall be any wise molested, punished, disquieted, or called in question, for any differences in opinion in matters of religion, who do not actually disturb the civil peace of our said colony; but that all and every person and persons may, from time to time, and at all times hereafter, freely and fully have and enjoy his own and their judgments, and consciences, in matters of religious concernments, throughout the tract of land hereafter mentioned, they behaving themselves peaceably and quietly, and not using this liberty, to licentiousness and profaneness, nor to the civil injury or outward disturbance of others;—any law, statute, or clause therein contained, or to be contained, usage or custom of this realm, to the contrary hereof, in any wise notwithstanding.

And that they may be in the better capacity to defend themselves, in their just rights and liberties, against all the enemies of the christian faith, and others, in all respects, we have further thought fit, and at the humble petition of the persons aforesaid, are graciously pleased to declare.

That they shall have and enjoy the benefit of our late act of indemnity, and free pardon, as the rest of our subjects in our other dominions and territories have; and to create and make them a body politic or corporate, with the powers and privileges herein after mentioned. And, accordingly, our will and pleasure is, and of our especial grace, certain knowledge, and mere motion, we have ordained, constituted and declared; and by these presents, for us, our heirs and successors, do ordain, constitute and declare, that they the said William Benton, William Codington, Nicholas Easton, Benedict Arnold, William Boulston, John Porter, Samuel Gorton, John Smith, John Weeks, Roger Williams, Thomas Olney, Gregory Dexter, John Cogeshall, Joseph Clarke, Randall Holden, John Greene, John Roome, William Dyre, Samuel Wildbore, Richard Tew, William Field, Thomas Harris, James Barker, —— Rainsborow, —— Williams, and John Nickson, and all such others as are now, or hereafter shall be admitted free of the company and society of our colony of Providence Plantations, in the Narraganset-Bay, in New-England, shall be from time to time, and forever hereafter, a body corporate and politic in fact and name, by the name of *The governor and company of the English colony of Rhode-Island, and Providence Plantations, in New-England, in America*; and that by the same name, they and their successors shall and may have perpetual succession, and shall and may be persons able and capable in the law, to sue and be sued, to plead and be impleaded, to answer and to be answered unto, to defend and to be defended in all and singular suits, causes, quarrels, matters, actions and things, of what kind or nature soever; and also to have, take, possess, acquire and purchase lands, tenements, or hereditaments, or any goods or chattels, and the same to lease, grant, demise, alien, bargain, sell, and dispose of, at their own will and pleasure, as other liege people of our realm of England, or any corporation, or body politic within the same, may lawfully do:

And further, that they, the said governor and company, and their successors, shall and may, forever hereafter, have a common seal, to serve and use for all matters, causes things and affairs whatsoever, of them and their successors: and the same seal to alter, change, break and to make new, from time to time, at their will and pleasure, as they shall think fit.

And further, we will and ordain, and by these presents, for us, our heirs and successors, declare and appoint, that for the better ordering and managing of the affairs of the said company and their successors, there shall be one governor, one deputy-governor, and ten assistants, to be from time to time constituted, elected and chosen out of the freemen of the said company, for the time being, in such manner and form, as is hereafter in these presents expressed; which said officers shall apply themselves to take care for the best disposing and ordering of the general business and affairs of and concerning the lands and hereditaments hereinafter mentioned to be granted, and the plantation thereof, and the government of the people there.

And for the better execution of our royal pleasure herein, we do, for us, our heirs, and successors, assign, name, constitute and appoint the aforesaid Benedict Arnold, to be the first and present governor of the said company; and the said William Brenton, to be the deputy-governor; and the said William Boulston, John Porter, Roger Williams, Thomas Olney, John Smith, John Green, John Cogeshall, James Barker, William Field, and Joseph Clarke, to be the ten present assistants of the said company, to continue in the said several offices respectively until the first Wednesday which shall be in the month of May now next coming.

And further, we will, and by these presents, for us, our heirs and successors, do ordain and grant, that the governor of the said company, for the time being, or in his absence, by occasion of sickness or otherwise, by his leave or permission, the deputy-governor for the time being, shall and may, from time to time, upon all occasions, give orders for the assembling of the said company, and calling them together to consult and advise of the business and affairs of the said company; and that forever hereafter twice in every year, that is to say, on every first Wednesday in the month of May, and on every last Wednesday in October or oftener, in case it shall be requisite, the assistants and such of the freemen of the said company, not exceeding six persons for Newport, four persons of each of the respective towns of Providence, Portsmouth, and Warwick, and two persons for each other place, town, or city, who shall be from time to time thereunto elected or deputed, by the major part of the freemen of the respective towns or places, for which they shall be so elected or deputed, shall have a general meeting or assembly, then and there to consult, advise and determine, in and about the affairs and business of the said company and plantations.

And further, we do, of our especial grace, certain knowledge, and mere motion, give and grant unto the said governor and company of the English colony of Rhode-Island, and Providence Plantations, in New-England in America, and their successors, That the governor, or, in his absense, or by his permission, the deputy-governor of the said company, for the time being, the assistants and such of the freemen of the said company, as shall be so aforesaid elected or deputed, or so many of them as shall be present at such meeting or assembly, as aforesaid, shall be called the general assembly; and that they, or the greatest part of them then present (whereof the governor, or deputy-governor, and six of the assistants at least, to be seven) shall have, and have hereby given and granted unto them, full power and authority, from time to time, and at all times hereafter, to appoint alter and change such days, times, and places of meeting and general assembly, as they shall think fit: and to choose, nominate and appoint such and so many persons as they shall think fit, and shall be willing to accept the same, to be free of the said company and body politic, and them into the same to admit; and to elect and constitute such officers and officers, and to grant such necessary commissions as they shall think fit and requisite, for ordering, managing, and dispatching of the affairs of the said governor and company, and their successors: and from time to time to make, ordain, constitute, and repeal such laws, statutes, orders and ordinances, forms and ceremonies of government and magistracy as to them shall seem meet, for the good and welfare of the said company, and for the government and ordering of the lands hereditaments hereinafter mentioned to

be granted, and of the people that do, or at any time hereafter shall inhabit or be within the same; so as such laws, ordinances, and constitutions, so made, be not contrary and repugnant unto, but, (as near as may be) agreeable to the laws of this our realm of England, considering the nature and constitution of the place and people there; and also to appoint, order, and direct, erect, and such places and courts of jurisdiction, for hearing and determining of all actions, cases, matters, and things happening within the said colony and plantations, which shall be in dispute, and depending therein, as they shall think fit; and also to distinguish and set forth the several names and titles, duties, powers and limits, of each court, office, and officer, superior and inferior; and also, to contrive and appoint such forms of oaths and attestations, not repugnant, but (as near as may be) agreeable, as aforesaid, to the laws and statutes of this our realm, as are convenient and requisite with respect to the due administration of justice, and due execution and discharge of all offices and places of trust, by the persons that shall be therein concerned; and also to regulate and order the way and manner of all elections to offices and places of trust, and to prescribe, limit and distinguish the number and bounds of all places, towns, and cities, within the limits and bounds hereinafter mentioned, and not herein particularly named, that they have, or shall have the power of electing and sending of freemen to the said general assembly; and also to order, direct, and authorise the imposing of lawful and reasonable fines, mulcts, imprisonment, and executing other punishments, pecuniary and corporal, upon offenders and delinquents, according to the course of other corporations, within this our kingdom of England; and again to alter revoke, annul, or pardon, under their common seal, or otherwise, such fines, mulcts, imprisonments, sentences, judgments, and condemnations, as shall be thought fit; and to direct, rule, order, and dispose of all other matters and things, and particularly that which relates to the making of purchases of the native Indians, as to them shall seem meet, whereby our said people, and inhabitants in the said plantations, may be so religiously, peaceably, and civily governed, as that by their good life, and orderly conversation, they may win and invite the native Indians of the country, to the knowledge and obedience of the only true God and Saviour of mankind; willing, commanding, and by these presents, for us, our heirs, and successors, ordaining, and appointing, that all such laws, statutes, orders and ordinances, instructions, impositions, and directions, as shall be made by the governor, deputy, assistants and freemen, or such number of them as aforesaid, and published in writing under their common seal, shall be carefully and duly observed, kept, performed, and put in execution, according to the true intent and meaning of the same. And these our letters patent, or the duplicate exemplification thereof, shall be, to all and every such officers, superior or inferior, from time to time for the putting of the same orders, laws, statutes, ordinances, instructions, and directions in due execution, against, us, our heirs successors, a sufficient warrant and discharge.

And further, our will and pleasure is, and we do hereby, for us, our heirs, and successors, establish and ordain, That yearly, once in the year forever hereafter, namely, the aforesaid Wednesday in May, and at the town of Newport, or elsewhere if urgent occasion do require, the governor, deputy-governor, and assistants of the said company, or such of them as the general assembly shall think fit, shall be in the said general court or assembly to be held from that day or time, newly chosen for the year ensuing by the greater part of the said company for the time being, as shall be then and there present. And if it shall happen, that the present governor, deputy-governor, and assistants, by these presents appointed, or any such as shall hereafter be newly chosen into their respective rooms, or any of them, or any other of the officers of the said company, shall die or be removed from his or their several offices or places, before the said general day of election, (whom we do hereby declare for a misdemeanor or default, to be removable by the governor, assistants and company, or such greater part of them, in any of the said public courts to be assembled as aforesaid) that then, and in every such case, it shall and may be lawful to and for the said governor, deputy-governor, assistants and company aforesaid, or such greater part of them to be assembled as aforesaid, in any of their assemblies, to proceed to a new election of one or more of their company in the room or place, rooms or places, of such officer or officers, so dying or removed, according to their directions. And immediately upon and after such election or elections made of such governor, deputy-governor, assistant, or assistants, or any other officer of the said company, in manner and form aforesaid, the authority, office, and power, before given to the former governor, deputy-governor, and other officer and officers so removed, in whose stead and place new shall be chosen, shall, as to him and them, and every of them respectively, cease and determine: Provided always, and our will and pleasure is, that as well such as are by these presents appointed to be the present governor, deputy-governor, and assistants of the said company, as those which shall succeed them, and all other officers to be appointed and chosen as aforesaid, shall, before the undertaking the execution of the said offices and places respectively, give their solemn engagement, by oath or otherwise, for the due and faithful performance of their duties, in their several offices and places, before such person or persons, as are by these presents hereafter appointed to take and receive the same: that is to say, the said Benedict Arnold, who is herein before nominated and appointed the present governor of the said company, shall give the aforesaid engagement, before William Brenton, or any two of the said assistants of the said company, unto whom we do by these presents give full power and authority to require and receive the same: and the said William Brenton, who is hereby before nominated and appointed the present deputy-governor of the said company, shall give the aforesaid engagement before the said Benedict Arnold, or any two of the assistants of the said company, unto whom we do by these presents, give full power and authority to require and receive the same: and the said William Boulston, John Porter, Roger Williams, Thomas Olney, John Smith, John Greene, John Cogeshell, James Barker, William Field, and Joseph Clark, who are herein before nominated and appointed the present assistants of the company, shall give the said engagement to their offices and places respectively belonging, before the said Benedict Arnold and William Brenton, or one of them to whom respectively we do hereby give full power and authority to require, administer, or receive the same: and further our will and pleasure is, that all and every other future governor, or deputy-governor, to be elected and chosen by these presents, shall give the said engagement before one or more of the said assistants of the said company, for the time being, unto whom we do by these presents give full power and authority to require administer or receive the same: and the said assistants, and every of them, and all and every other officer or officers, to be hereafter elected and chosen by virtue of these presents, from time to time, shall give the like engagements to their offices and places respectively belonging, before the governor, or deputy-governor, for the time being; unto which said governor, or deputy-governor we do by these presents give full power and authority, to require, administer, or receive the same accordingly.

And we do likewise, for us, our heirs, and successors, give and grant unto the said governor and company, and their successors, by these presents, that for the more peaceably and orderly government of the said plantations, it shall and may be lawful for the governor, deputy-governor, assistants and all other officers and ministers of the said company in the administration of justice, and exercise of government, and the said plantations, to use, exercise, and put in execution such methods, orders, rules, and directions, (not being contrary and repugnant to the laws and statutes of this our realm) as have been heretofore given, used and accustomed in such cases respectively, to be put in practice, until at the next, or some other general assembly, especial provision shall be made in the cases aforesaid.

And we do further, for us, our heirs and successors, give and grant to the said governor and company and their successors, by these presents, that it shall and may be lawful to and for the said governor, or in his absence, the deputy-governor, and major part of the said assistants for the time being, at any time when the said general assembly is not sitting, to nominate, appoint, and constitute such and so many commanders, governors, and military officers as to them shall seem requisite, for the leading, conducting, and training up the inhabitants of the said plantations in martial affairs, and for the defence and safeguard of the said plantations; that it shall and may be lawful to and for all and every such commander, governor, and military officer, that shall be so as aforesaid, or by the governor, or in his absence the deputy-governor, and six of the assistants, and major-part of the freemen of said company, present at any general assemblies, nominated, appointed, and constituted, according to the tenor of his and their respective commissions and directions, to assemble, exercise in arms, marshal, array, and put in warlike posture, the inhabitants of said colony, for their especial defence and safety; and to lead and conduct the said inhabitants, and to encounter, repulse, and resist by force of arms as well by sea as by land, to kill, slay, and destroy, by all fitting ways, enterprizes and means whatsoever, all and every such person or persons, as shall at any time hereafter attempt or enterprise the destruction, invasion, detriment or annoyance of the said inhabitants or plantations; and to use and exercise the law martial, in such cases only as occasion shall necessarily require; and to take and surprize, by all ways and means whatsoever, all and every such person and persons, with their ship or ships, armour, ammunition, or other goods of such persons, as shall in hostile manner invade, or attempt the defeating of the said plantation, or the hurt of the said company and inhabitants; and upon just cause to invade and destroy the native Indians or other enemies of the said colony.

Nevertheless, our will and pleasure is, and we do hereby declare to the rest of our colonies in New-England, that it shall not be lawful for this our said colony of Rhode-Island and Providence Plantations, in America, in New-England, to invade the natives inhabiting within the bounds and limits of the said colonies, without the knowledge and consent of the said other colonies. And it is hereby declared, that it shall not be lawful to or for the rest of the colonies to invade or molest the native Indians, or any other inhabitants, inhabiting within the bounds or limits hereafter mentioned, (they having subjected themselves unto us, and being by us taken into our special protection) without the knowledge and consent of the governor and company of our colony of Rhode-Island and Providence Plantations.

Also our will and pleasure is, and we do hereby declare unto all christian kings, princes and states, that if any person who shall hereafter be of the said company or plantation, or any other, by appointment of the said governor and company, for the time being, shall at any time or times hereafter, rob or spoil, by sea or land, or do any hurt, or unlawful hostility, to any of the subjects of us, our heirs and successors, or to any of the subjects of any prince or state, being then in league with us, our heirs and successors: upon complaint of such injury done to any such prince or state, or their subjects, we, our heirs and successors, will make open proclamation, within any part of our realm of England, fit for that purpose that the person or persons committing any such robbery or spoil, shall within the time limited by such proclamation, make full restitution or satisfaction of all such injuries done or committed, so as the said prince or others so complaining, may be fully satisfied and contented: and if the said person or persons, who shall commit any such robbery or spoil, shall not make satisfaction accordingly, within such time so to be limited, that then we, our heirs and successors, will put such person or persons out of our allegiance and protection: and that then it shall and may be lawful and free for all princes or others, to prosecute with hostility such offenders, and every of them, their and every of their procurers, aiders and abetors, and counsellors in that behalf.

Provided also, and our express will and pleasure is, and we do by these presents, for us, our heirs and successors, ordain and appoint, that these presents shall not in any manner hinder any of our loving subjects whatsoever, from using and exercising the trade of fishing upon the coast of New-England in America; but that they, and every or any of them, shall have full and free power and liberty to continue and use the trade of fishing upon the said coast, in any of the seas thereunto adjoining, or any arms of the sea, or salt water rivers and creeks, where they have been accustomed to fish; and to build and set upon the waste land, belonging to the said colony and plantations, such wharves, stages and work houses as shall be necessary for the salting, drying, and keeping of their fish, to be taken or gotten upon that coast.

And further, for the encouragement of the inhabitants of our said colony of Providence Plantations, to set upon the business of taking whales, it shall be lawful for them or any of them, having struck a whale, dubertus, or other great fish, it or them to pursue into that coast, or into any bay, river, cove, creek or shore, belonging thereto, and it or them upon the said coast, or in the said bay, river, cove, creek, or shore belonging thereto, to kill and order for the best advantage, without molestation, they making no willful waste or spoil; any thing in these presents contained, or any other matter or thing to the contrary notwithstanding.

And further also, we are graciously pleased, and do hereby declare, that if any of the inhabitants of our said colony do set upon the planting of vineyards, (the soil and climate both seeming naturally to concur to the production of vines) or be industrious in the discovery of fishing banks, in or about the said colony, we will, from time to time, give and allow all due and fitting encouragement therein, as to others in cases of a like nature.

And further, of our more ample grace, certain knowledge, and mere motion, we have given and granted, and by these presents for us, our heirs and successors, do give and grant unto the said governor and company of the English colony of Rhode-Island and Providence Plantations, in the Naraganset-bay, in New-England, in America, and to every inhabitant there, and to every person, and persons, trading thither, and to every such person or persons, as are, or shall be free of the said colony, full power and authority, from time to time, and at all times hereafter, to take, ship, transport and carry away out of any of our realms and dominions, for and towards the plantation and defence of the said colony, such and so many of our loving subjects, and strangers, as shall or will, willingly accompany them in and to their said colony and plantations, except such person or persons, as are or shall be there restrained by us, our heirs and successors, or any law or statute of this realm; and also to ship and transport all and all manner of goods, chattels, merchandize, and other things whatsoever, that are, or shall be useful or necessary for the said plantations, and defence thereof, and usually transported, and not prohibited by any law or statute of this our realm; yielding and paying unto us, our heirs, and successors, such duties, customs and subsidies, as are or ought to be paid or payable for the same.

And further, our will and pleasure is, and we do, for us, our heirs and successors, ordain, declare, and grant, unto the said governor and company, and their successors, that all and every the subjects of us, our heirs and successors, which are already planted and settled within our said colony of Providence Plantations, or which shall hereafter go to inhabit within the said colony, and all and every of their children which have been born there, or which shall happen hereafter to be born there, or on the sea going thither, or returning from thence, shall have and enjoy all liberties and immunities of free and natural subjects, within any of the dominions of us, our heirs and successors, to all intents, constructions and purposes whatsoever, as if they, and every of them were born within the realm of England.

And further, know ye, that we, of our more abundant grace, certain knowledge, and mere motion, have given, granted and confirmed, and by these presents for us, our heirs and successors, do give, grant, and confirm unto the said governor and company, and their successors, all that part of our dominions, in New-England in America, containing the Nahantick and Nauhygansett alias Naraganset-bay, and countries and parts adjacent, bounded on the west or westerly, to the middle or channel of a river there, commonly called and known by the name of Paweatuck, alias Paweawtuck river, and so along the said river, as the greater or middle stream thereof stretches or lies up into the north country, northward unto the head thereof, and from thence by a straight line drawn due north, until it meet with the south line of the Massachusetts colony; and on the north or northerly, by the aforesaid south or southerly line of the Massachusetts colony or plantation, and extending towards the east or eastwardly, three English miles, to the east and north-east of the most eastern and north-eastern parts of the aforesaid Narraganset-bay, as the said bay lieth or extendeth itself from the ocean on the south or southwardly, unto the mouth of the river which runneth towards the town of Providence, and from thence along the eastwardly side or bank of the said river, (higher called by the name of Seacunck) up to the falls called Patucket Falls, being the most westwardly line of Plymouth colony; and so from the said falls, in a straight line due north, until it meet with the aforesaid line of the Massachusetts colony, and bounded on the south by the ocean, and in particular the lands belonging to the town of Providence, Patuxit, Warwicke, Misquammacock, alias Paweatuck, and the rest upon the main land, in the tract aforesaid, together with Rhode-Island, Block-island, and all the rest of the islands and banks in Narraganset-bay, and bordering upon the coast of the tract aforesaid, (Fisher's island only excepted) together with all firm lands, soils, grounds, havens, ports, rivers, waters, fishings, mines royal, and all other mines, minerals, precious stones, quarries, woods, wood-grounds, rocks, slates, and all and singular other commodities, jurisdictions, royalties, privileges, franchises, pre-eminences, and hereditaments whatsoever, within the said tract, bounds, lands, and islands aforesaid, to them or any of them belonging, or in any wise appertaining—to have and to hold the same, unto the said governor and company, and their successors forever upon trust, for the use and benefit of themselves and their associates, freemen of the said colony, their heirs and assigns; to be holden of us, our heirs and successors, as of the manor of East-Greenwich, in our county of Kent, in free and common socenge, and not in capite, nor by knight's service;—yielding and paying therefor to us, our heirs and successors, only the fifth part of all the ore of gold and silver, which, from time to time, and at all times hereafter, shall be there gotten, had or obtained, in lieu and satisfaction of all services, duties, fines, forfeitures, made or to be made, claims or demands whatsoever, to be to us, our heirs, or successors, therefore or thereabout rendered, made or paid: any grant or clause in a late grant to the governor and company of Connecticut colony, in America, to the contrary thereof in anywise notwithstanding; the aforesaid Paweatuck river having been yielded after much debate for the fixed and certain bounds between these our said colonies, by the agents thereof, who have also agreed, that the said Paweatuck river, shall also be called, alias Narogauecett or Naraganset river, and to prevent future disputes that otherwise might arise thereby, forever hereafter shall be construed deemed and taken to be the Narraganett river, in our late grant to Connecticut colony, mentioned as the easterly bounds of that colony.

And further, our will and pleasure is, that in all matters of public controversies, which may fall out between our colony of Providence Plantations, to make their appeal there in to us, our heirs and successors, for redress in such cases, within this our realm of England; and that it shall be lawful to and for the inhabitants of the said colony of Providence plantations, without let or molestation, to pass and repass with freedom into and through the rest of the English colonies, upon their lawful and civil occasions, and to converse, and hold commerce and trade with such of the inhabitants of our other English colonies, as shall be willing to admit them thereunto, they behaving themselves peaceably among them; any act, clause, or sentence, in any of the said colonies provided, or that shall be provided, to the contrary in any wise notwithstanding.

And lastly, we do for us, our heirs and successors, ordain and grant, unto the said governor and company, and their successors, by these presents, that these our letters patents shall be firm, good, effectual, and available, in all things in the law, to all intents, constructions, and purposes whatsoever, according to our true intent and meaning, herein before declared, and shall be construed, reputed and adjudged, in all cases most favorable on the behalf and for the best benefit and behoof of the said governor, company, and their successors, although express mention, &c. In witness, &c. Witness, &c. *Per Ipsum Regem.*

[The state of Rhode-Island and Providence Plantations has not assumed a form of government different from that contained in the foregoing charter. For in that the king ceded to the governor and company, all powers, legislative, executive and judicial reserving to himself, as an acknowledgment of his sovereignty, a render of the fifth part of the gold and silver ore that should be found within the territory. The governor, chief magistrates, and legislators are chosen by the freemen as usual, and all judicial and executive officers are annually elected by the governor and company, or upper and lower house of assembly. All processes, original and judicial, formerly issued in the king's name, but they now issue in the name of the governor and company. The oaths of allegiance and of office are made conformable to the principles of the revolution. The governor, in his legislative capacity, cannot give a negative to any act of the two houses; but in common with the other magistrates, has one voice only.

The state is divided into five counties, in each of which there is a court of common pleas and general sessions of the peace, held twice every year, for the trial of all causes not capital, that arise within their limits; from which an appeal lies to the superior court of judicature, court of assize and general jail delivery, whose jurisdiction extends over the whole state, and who also sit twice a year in each county. The constitution admits not of religious establishments, any further than depends upon the voluntary choice of individuals. All men professing a belief in one Supreme Being are equally protected by the laws; and no particular sect can claim pre-eminence.]

Connecticut.

ACCOUNT OF THE CONSTITUTION OF CONNECTICUT.

Connecticut is divided into six counties, and each county is divided into a number of towns. Each town has a right to send two representatives to the general court of assembly. The general court consists of two branches, called the upper and lower house. The upper house is composed of the governor, deputy governor, and twelve assistants or counsellors; and the lower house, of the representatives of the several towns. This court has the sole power to make and repeal laws, grant levies, dispose of lands belonging to the state, to particular towns and persons; to erect and style judicatories and officers, as they shall see necessary for the good government of the people; also to call to account, any court, magistrate, or other officer, for misdemeanor and mal-administration; and for just cause may fine, displace or remove them, or deal otherwise, as the nature of the case shall require; and deal or act in any other matter, that concerns the good of the state, except the election of governor, deputy governor, assistants, treasurer and secretary, which shall be done by the freemen, at the yearly court of election, unless there be any vacancy, by reason of death or otherwise, after the election, which may be filled up by the general court. This court has power also, for reasons satisfactory to them, to grant suspension, release, and jail delivery upon reprieve, in capital and criminal cases. The general court has two stated sessions annually, on the second Tuesday of May and October.

The governor, or in his absence the deputy governor, may call the assembly, on special emergencies, to meet at any other time. The governor, deputy governor, assistants, and secretary, are annually elected, on the second Thursday in May. The representatives are newly chosen for each stated session. The judges and justices are annually appointed by the general court; the same persons are commonly re-appointed from time to time, during their capacity to serve, unless guilty of misbehavior. The sheriffs are appointed by the governor and council, without limitation of time; but may be superceded by the authority that appoints them. The governor, for the time being, is captain-general of the militia; the deputy governor, lieutenant-general; the other general officers and the field-officers are appointed by the general court, and commissioned by the governor. The captains and subalterns are chosen by the vote of the company and householders living within the limits of the company; the persons so chosen must be approved by the general court, and commissioned by the governor, before they have power to execute their office. All the military officers hold their office during the pleasure of the assembly; nor can they resign their commissions, without leave of the captain-general, under penalty of doing duty in the ranks, as private soldiers. The mode of electing the governor, deputy governor, assistants, treasurer and secretary is, that the freemen in the several towns, meet on the Monday next after the first Tuesday in April, annually, (being the day appointed by law for that purpose, and choosing representatives) and give in their votes for the persons they choose for said offices respectively, with their names written on a piece of paper, which votes are received and sealed up by a constable, in the freemen's meeting—the votes for each of said offices, in a different paper—writing on the outside the name of the town and the office for which the votes are given in; which are sent by the representatives to the general court, to be held on the second Thursday of May next ensuing, at which time, after the house of representatives have chosen a speaker and clerk, a committee is chosen of members of both houses, to sort and count the votes, and declare the names of the persons chosen to said offices. Any freeman, qualified to vote for representatives, may be elected to any office in the government. In choosing assistants, twenty persons are nominated by the votes of the freemen, given in at their meeting for choosing representatives in September annually, and sealed up and sent to the general court in October then next: which are counted by a committee of both houses, and the twenty persons who have the greatest number of votes, stand in nomination, out of which number twelve are to be chosen assistants, by the freemen, the next April, in manner afore described.

The qualifications, requisite to entitle a person to vote in elections of the officers of government, are maturity in years, quiet and peaceable behavior, a civil conversation, and forty shillings freehold, or forty pounds personal estate; if the selectmen of the town certify a person qualified in those respects, he is admitted a freeman, on his taking an oath of fidelity to the state.

The names of all that are thus admitted, are enrolled in the town clerk's office, and continue freemen during life, unless disfranchised by a sentence of the superior court, on conviction of a misdemeanor.

The governor, or in his absence, the deputy governor, in the upper house—and the speaker, in the lower house of assembly, have a casting voice, when the members of the respective houses including the governor and speaker, are equally divided in opinion on any question.

There is in this state a superior court, consisting of one chief judge and four other judges, who have authority in all criminal cases, extending to life, limb, and banishment, and to hear and determine all civil actions, brought by appeal from the county courts, or on writs of error. This court also hath authority in all matters of divorce. There are two stated sessions of the superior court, in each county annually.

There are also county courts held in the several counties, consisting of one judge and four justices of the quorum, who have jurisdiction in all criminal cases, arising in their respective counties, where the punishment does not extend to life, limb, or banishment. The county courts have also original jurisdiction, in all civil actions, wherein the demand exceeds forty shillings.

The superior and county courts try matters of fact, by a jury according to the course of the common law.

Justices of the peace have authority to hear and determine civil actions, where the amount does not exceed forty shillings. They also have authority, in some cases of a criminal nature, punishable by fine not exceeding forty shillings, or whipping not exceeding ten stripes, or sitting in the stocks.

This state is also divided into a number of probate districts, less than counties; in each of which is appointed a judge, for the probate of wills, granting administration on intestate estates, appointing guardians for minors, ordering distribution of intestate estates, &c. An appeal lies, from any decree of this court, to the superior court.

The superior, county, and probate courts, appoint their respective clerks.

The general court has, till very lately, been the only court of chancery in this state. But by a late law the county courts determine matters of equity, from five pounds to two hundred pounds value; the superior court from two hundred to eight hundred pounds value; and the general assembly, all cases exceeding the last mentioned sum.

All attornies at law are admitted and sworn by the county courts; there is no attorney-general, but there used to be one king's attorney in each county; but since the king has abdicated the government, they are now attornies to the governor and company.

Constitution of New-York.

In Convention of the Representatives of the State of New-York.

KINGSTON, 20th April, 1777.

WHEREAS, the many tyrannical and oppressive usurpations of the king and parliament of Great Britain, on the rights and liberties of the people of the American colonies, had reduced them to the necessity of introducing a government by congress and committees as temporary expedients, and to exist no longer than the grievances of the people should remain without redress.

And whereas, the congress of the colony of New-York, did, on thirty-first day of May, now last past, resolve as follows, viz.

"*Whereas*, the present government of this colony, by congress and committees, was instituted while the former government, under the crown of Great Britain, existed in full force; and was established for the sole purpose of opposing the usurpation of the British parliament, and was intended to expire on a reconciliation with Great Britain, which it was then apprehended would soon take place, but is now considered as remote and uncertain.

"*And whereas*, many and great inconveniences attended the said mode of government by Congress and committees, as of necessity, in many instances, legislative, judicial and executive powers have been vested therein, especially since the dissolution of the former government, by the abdication of the late governor, and the exclusion of this colony from the protection of the king of Great Britain.

"*And whereas*, the continental congress did resolve as followeth, to wit:

'*Whereas*, his Britannic majesty, in conjunction with the lords and commons of Great Britain, has, by a late act of parliament, excluded the inhabitants of these united colonies from the protection of his crown. And whereas, no answer whatever, to the humble petition of the colonies for redress of grievances and reconciliation with Great Britain, has been or is likely to be given, but the whole force of that kingdom, aided by foreign mercenaries, is to be exerted for the destruction of the good people of these colonies. And whereas, it appears absolutely irreconcileable to reason and good conscience, for the people of these colonies, now to take the oaths and affirmations necessary for the support of any government under the crown of Great Britain; and it is necessary that the exercise of every kind of authority under the said crown should be totally suppressed, and all the powers of government exerted under the authority of the people of the colonies for the preservation of internal peace, virtue and good order, as well as for the defence of our lives, liberties and properties, against the hostile invasions and cruel depredations of our enemies. Therefore,

'*Resolved*, That it be recommended to the respective assemblies and conventions of the united colonies, where no government sufficient to the exigencies of their affairs has been hitherto established, to adopt such government as shall, in the opinion of the representatives of the people, best conduce to the happiness and safety of their constituents in particular, and America in general.'

"*And whereas*, doubts have arisen whether this congress are invested with sufficient power and authority to deliberate and determine on so important a subject as the necessity of erecting and constituting a new form of government and internal police, to the exclusion of all foreign jurisdiction, dominion and control whatever. *And whereas*, it appertains of right solely to the people of this colony to determine the said doubts: Therefore,

"*Resolved*, That it be recommended to the electors in the several counties in this colony, by election in the manner and form prescribed for the election of the present congress, either to authorise (in addition to the power vested in this congress) their present deputies, or others instead of their present deputies, or either of them, to take into consideration the necessity and propriety of instituting such new government as in and by the said resolution of the continental congress is described and recommended: And if the majority of the counties by their deputies in provincial congress, shall be of opinion that such new government ought to be instituted and established, then to institute and establish such a government as they shall deem best calculated to secure the rights, liberties and happiness of the good people of this colony; and to continue in force until a future peace with Great Britain shall render the same unnecessary.—And,

"*Resolved* That the said elections in the several counties ought to be had on such a day, and at such place or places, as by the committee of each county respectively shall be determined. And it is recommended to the said committees, to fix such early days for the said elections, as that all the deputies to be elected have sufficient time to repair to the city of New-York, by the second Monday in July next; on which day all the said deputies ought punctually to give their attendance.

"*And whereas*, the object of the aforegoing resolutions is of the utmost importance, to the good people of this colony:

"*Resolved*, That it be, and it is hereby earnestly recommended to the committees, freeholders, and other electors in the different counties in this colony, diligently to carry the same into execution."

And whereas the good people of the said colony, in pursuance of the said resolution, and reposing special trust and confidence in the members of this convention, have appointed, authorized and empowered them for the purposes, and in the manner, and with the powers in and by the said resolve specified, declared and mentioned.

And whereas, the delegates of the United American States, in general congress convened, did on the fourth day of July now last past, solemnly publish and declare, in the words following, to wit:

[Here follows the declaration of American Independence.]

And whereas, this convention, taking this declaration into their most serious consideration, did on the ninth day of July last past, unanimously resolve, that the reasons assigned by the continental congress, for declaring the United colonies free and independent states, are cogent and conclusive; and that while we lament the cruel necessity which has rendered that measure unavoidable; we approve the same, and will, at the risque of our lives and fortunes, join with the other colonies in supporting it.

By virtue of which several acts, declarations and proceedings mentioned and contained in the afore-recited resolves or resolutions of the general congress of the United American states, and of the congress's or conventions of this state, all power whatever therein hath reverted to the people thereof, and this convention hath, by their suffrages and free choice been appointed, and among other things authorized to institute and establish such a government, as they shall deem best calculated to secure the rights and liberties of the good people of this state, most conducive of the happiness and safety of their constituents in particular, and of America in general.

I. This convention, in the name and by the authority of the good people of this state, doth ordain, determine and declare, that no authority shall, on any pretence whatever, be exercised over the people or members of this state, but such as shall be derived from and granted by them.

II. This convention doth further, in the name and by the authority of the good people of this state, ordain, determine, and declare that the supreme legislative power, within this state, shall be vested in two separate and distinct bodies of men—the one to be called, the assembly of the State of New-York—the other to be called, the senate of the State of New-York—who together shall form the legislature, and meet once at least in every year for the despatch of business.

III. And whereas, laws, inconsistent with the spirit of this constitution, or with the public good, may be hastily and unadvisedly passed: be it ordained, that the governor for the time being, the chancellor, and the judges of the supreme court—or any two of them, together with the governor—shall be, and hereby are, constituted a council to revise all bills about to be passed into laws by the legislature; and for that purpose shall assemble themselves from time to time, when the legislature shall be convened: for, which, nevertheless, they shall not receive any salary or consideration, under any pretence whatever. And that all bills, which have passed the senate and assembly, shall, before they become laws, be presented to the said council, for their revisal and consideration: and if, upon such revision and consideration, it should appear improper to the said council, or a majority of them, that the said bill should become a law of this state, that they return the same, together with their objections thereto in writing, to the senate or house of assembly (in whichsoever the same shall have originated) who shall enter the objections, set down by the council, at large in their minutes, and proceed to reconsider the said bill. But if, after such reconsideration, two-thirds of the said senate or house of assembly shall, notwithstanding the said objections, agree to pass the same, it shall, together with the objections, be sent to the other branch of the legislature where it shall also be reconsidered, and if approved by two-thirds of the members present, shall be a law.

And in order to prevent any unnecessary delays, be it further ordained, that if any bill shall not be returned by the council within ten days after it shall have been presented, the same shall be a law, unless the legislature shall, by their adjournment, render a return of the said bill, within ten days, impracticable; in which case, the bill shall be returned on the first day of the meeting of the legislature, after the expiration of the said ten days.

IV. That the assembly shall consist of at least seventy members, to be annually chosen in the several counties, in the proportion, following, viz.

For the city and county of New-York, *nine*.
The city and county of Albany, *ten*.
The county of Duchess, *seven*.
The county of Westchester, *six*.
The county of Ulster, *six*.
The county of Suffolk, *five*.
The county of Queens, *four*.
The county of Orange, *four*.
The county of Kings, *two*.
The county of Richmond, *two*.
The county of Tryon, *six*.
The county at Charlotte, *four*.
The county of Cumberland, *three*.
The county of Gloucester, *two*.

V. That as soon after the expiration of seven years (subsequent to the termination of the present war) as may be, a census of the electors and inhabitants of this state, shall be taken under the direction of the legislature. And if, on such census, it shall appear that the number of representatives in assembly, from the said counties, is not justly proportioned to the number of electors in said counties respectively, that the legislature do adjust and apportion the same by that rule.———And further, that once in every seven years, after the taking of the said first census, a just account of the electors, resident in each county shall be taken: and if it shall thereupon appear that the number of electors in any county, shall have increased or diminished one or more seventieth parts of the whole number of electors, which, on the said first census, shall be found in this state, the number of representatives for such county shall be increased or diminished accordingly—that is so say, one representative for every seventieth part aforesaid.

VI. And whereas, an opinion hath long prevailed, among divers of the good people of this state, that voting at elections by ballot, would tend more to preserve the liberty and equal freedom of the people, than voting *viva voce*:—To the end, therefore, that a fair experiment be made, which of those two methods of voting is to be preferred:

Be it ordained, that as soon as may be after the termination of the present war, between the United States of America and Great Britain, an act or acts be passed by the legislature of this state, for causing all elections thereafter to be held in this state, for senators and representatives in assembly, to be by ballot, and directing the manner in which the same shall be conducted. And whereas it is possible, that after all the care of the legislature, in framing the said act or acts, certain inconveniences and mischiefs unforeseen at this day, may be found to attend the said mode of electing by ballot:

It is further ordained, that if, after a full and fair experiment shall be made of voting by ballot aforesaid, the same shall be found less conducive to the safety or interest of the state, than the method of voting *viva voce*, it shall be lawful and constitutional for the legislature to abolish the same; provided, two-thirds of the members present in each house respectively, shall concur therein: and further, that during the continuance of the present war, and until the legislature of this state shall provide for the election of senators and representatives in assembly, by ballot, the said elections shall be made *viva voce*.

VII. That every male inhabitant of full age, who shall have personally resided within one of the counties of this state for six months immediately preceding the day of election, shall at such election, be entitled to vote for representatives of the said county in assembly; if, during the time aforesaid, he shall have been a freeholder, possessing a freehold of the value of twenty pounds within the said county, or have rented a tenement therein of the yearly value of forty shillings, and been rated and actually paid taxes to this state; provided always, that every person who now is a freeman of the city of Albany, or who was made a freeman of the city of New-York, on or before the fourteenth day of October in the year of our Lord one thousand seven hundred and seventy-five, and shall be actually and usually resident in the said cities respectively, shall be entitled to vote for representatives in assembly within his said place of residence.

VIII. That every elector, before he is admitted to vote, shall, if required by the returning officer, or either of the inspectors, take an oath, or, if of the people called Quakers, an affirmation of allegiance to the state.

IX. That the assembly, thus constituted, shall choose their own speaker, be judges of their own members, and enjoy the same privileges, and proceed in doing business in like manner as the assemblies of the colony of New-York of right formerly did; and that a majority of the said members shall, from time to time, constitute a house to proceed upon business.

X. And this convention doth further, in the name and by the authority of the good people of this state, ordain, determine, and declare, that the senate of the state of New-York shall consist of twenty-four freeholders, to be chosen out of the body of the freeholders, and that they be chosen by the freeholders of this state, possessed of freeholds of the value of one hundred pounds, over and above all debts charged thereon.

XI. That the members of the senate be elected for four years, and, immediately after the first election, they be divided by lot into four classes, six in each class, and numbered one, two, three, four; that the seats of the members of the first class, shall be vacated at the expiration of the first year, the second class the second year, and so on continually; to the end, that the fourth part of the senate, as nearly as possible, may be annually chosen.

XII. That the election of senators, shall be after this manner: that so much of this state as is now parcelled into counties, be divided into four great districts; the southern district to comprehend the city and county of New-York, Suffolk, Westchester, Kings, Queens, and Richmond counties; the middle district to comprehend the counties of Dutchess, Ulster, and Orange; the western district the city and county of Albany, and Tryon county; and the eastern district the counties of Charlotte, Cumberland and Gloucester. That the senators shall be elected by the freeholders of the said districts, qualified as aforesaid, in the proportions following, to wit: in the southern district, nine; in the middle district, six; in the western district, six; and in the eastern district, three. And be it ordained, that a census shall be taken as soon as may be, after the expiration of seven years from the termination of the present war, under the direction of the legislature: and if, on such census, it shall appear that the number of senators is not justly proportioned to the several districts, that the legislature adjust the proportion, as near as may be, to the number of freeholders qualified as aforesaid in each district. That when the number of electors within any of the said districts shall have increased one twenty-fourth part of the whole number of electors which by the said census shall be found to be in this state, an additional senator shall be chosen by the electors of such district. That a majority of the number of senators to be chosen as aforesaid, shall be necessary to constitute a senate sufficient to proceed upon business; and that the senate shall, in like manner with the assembly, be the judges of its own members. And be it ordained, that it shall be in the power of the future legislature of this state, for the convenience and advantage of the good people thereof, to divide the same into such further and other counties and districts, as shall to them appear necessary.

XIII. And this convention doth further, in the name and by the authority of the good people of this state, ordain, determine, and declare, that no member of this state shall be disfranchised, or deprived of any of the rights or privileges secured to the subjects of this state by this constitution, unless by the law of the land or the judgment of his peers.

XIV. That neither the assembly nor the senate shall have the power to adjourn themselves for any longer time than two days without the mutual consent of both.

XV. That whenever the assembly and senate disagree, a conference shall be held in the presence of both, and be managed by

committees, to be by them respectively chosen by ballot. That the doors, both of the assembly and the senate shall at all times be kept open to all persons, except when the welfare of the state shall require their debates to be kept secret. And the journals of all their proceedings shall be kept in the manner heretofore accustomed by the general assembly of the colony of New-York; and, except such parts as they shall as aforesaid respectively determine not to make public, be from day to day, if the business of the legislature will permit, published.

XVI. It is nevertheless provided that the number of senators shall never exceed one hundred; but that whenever the number of senators shall amount to one hundred, or of the assembly to three hundred, then and in such case the legislature shall, from time to time, thereafter, by laws for that purpose, apportion and distribute the said one hundred senators and three hundred representatives among the great districts and counties of this state, in proportion to the number of their respective electors, so that the representation of the good people of this state, both in the senate and assembly, shall forever remain proportionate and adequate.

XVII. And this convention doth further, in the name and by the authority of the good people of this state, ordain, determine, and declare, that the supreme executive power and authority of this state, shall be vested in a governor; and that statedly, once in every three years, and as often as the seat of government shall become vacant, a wise and discreet freeholder of this state shall be, by ballot, elected governor by the freeholders of this state, qualified as before described to elect senators, which elections shall be always held at the times and places of choosing representatives in assembly for each respective county; and that the person who hath the greatest number of votes within the said state, shall be governor thereof.

XVIII. That the governor shall continue in office three years, and shall, by virtue of his office, be general and commander in chief of all the militia, and admiral of the navy of this state; that he shall have power to convene the assembly and senate on extraordinary occasions; to prorogue them from time to time, provided such prorogations shall not exceed sixty days in the space of any one year; and, at his discretion to grant reprieves and pardons to persons convicted of crimes other than treason or murder, in which he may suspend the execution of the sentence, until it shall be reported to the legislature at their subsequent meeting; and they shall either pardon, or direct the execution of the criminal, or grant a further reprieve.

XIX. That it shall be the duty of the governor to inform the legislature at every session of the condition of the state, so far as may respect his department; to recommend such matters to their consideration as shall appear to him to concern its good government, welfare, and prosperity; to correspond with the continental congress, and other states, to transact all necessary business with the officers of government, civil and military, to take care that the laws are faithfully executed, to the best of his ability; and to expedite all such measures as may be resolved upon by the legislature.

XX. That a lieutenant-governor shall, at every election of a governor, and as often as the lieutenant governor shall die, resign, or be removed from office, be elected in the same manner with the governor, to continue in office until the next election of a governor, and such lieutenant-governor shall, by virtue of his office, be president of the senate, and upon an equal division, have a casting voice in their decisions, but not vote on any other occasion.

And in case of the impeachment of the governor, or his removal from office, death, resignation or absence from the state, the lieutenant governor shall exercise all the power and authority appertaining to the office of governor, until another be chosen, or the governor absent or impeached, shall return or be acquitted. Provided, that where the governor shall, with the consent of the legislature, be out of the state, in time of war, at the head of the military force thereof, he shall still continue in his command of all the military force of the state both by sea and land.

XXI. That whenever the government shall be administered by the lieutenant-governor, or he shall be unable to attend as president of the senate, the senators shall have power to elect one of their own members to the office of president of the senate, which he shall exercise *pro hac vice*. And if, during such vacancy of the office of governor, the lieutenant-governor shall be impeached, displaced, resign, die, or be absent from the state, the president of the senate shall, in like manner as the lieutenant-governor, administer the government, until others shall be elected by the suffrage of the people, at the succeeding election.

XXII. And this convention doth further, in the name and by the authority of the good people of this state, ordain, determine, and declare, that the treasurer of this state shall be appointed by act of the legislature; to originate with the assembly: provided that he shall not be elected out of either branch of the legislature.

XXIII. That all officers, other than those, who, by this constitution, are directed to be otherwise appointed, shall be appointed in the manner following, to wit: The assembly shall, once in every year, openly nominate and appoint one of the senators from each great district, which senators shall form a council, for the appointment of the said officers, of which the governor for the time being, or the lieutenant-governor, or the president of the senate, (when they shall respectively administer the government) shall be president, and have a casting voice, *but no other vote*—and with the advice and consent of the said council, shall appoint all the said officers; and that a majority of the said council be a quorum; and further, the said senators shall not be eligible to the said council for two years successively.

XXIV. That all military officers be appointed during pleasure; that all commissioned officers, civil and military, be commissioned by the governor; and that the chancellor, the judges of the supreme court, and first judge of the county court in every county, hold their offices during good behavior, or till they have respectively attained the age of sixty years.

XXV. That the chancellor and judges of the supreme court shall not, at the same time, hold any other office, excepting that of delegate to the general congress upon special occasions; and that the first judges of the county courts, in the several counties, shall not at the same time, hold any other office excepting that of senator, or delegate to the general congress. But if the chancellor, or either of the said judges, be elected or appointed to any other office, excepting as before excepted, it shall be at his option in which to serve.

XXVI. That the sheriffs and coroners be annually appointed: and that no person shall be capable of holding either of the said offices more than four years successively; nor the sheriffs of holding any other office at the same time.

XXVII. And be it further ordained, that the register, and clerks in chancery, be appointed by the chancellor; the clerks of the supreme court by the judges of the said court; the clerk of the court of probate, by the judge of the said court; and the register and marshal of the court of admiralty, by the judge of the admiralty. The said marshal, registers, and clerks to continue in office, during the pleasure of those, by whom they are to be appointed, as aforesaid.

And that all attorneys, solicitors, and counsellors at law, hereafter to be appointed, be appointed by the court, and licenced by the first judge of the court, in which they shall respectively plead or practice; and be regulated by the rules and orders of the said courts.

XXVIII. And be it further ordained, that where, by this convention, the duration of any office shall not be ascertained, such office shall be construed to be held during the pleasure of the council of appointment: Provided that new commissions shall be issued to judges of the county courts (other than to the first judge) and to justices of the peace once at least in every three years.

XXIX. That town clerks, supervisors, assessors, constables, collectors, and all other officers, heretofore eligible by the people, shall always continue to be so eligible, in the manner directed by the present or future acts of the legislature.

That loan-officers, county-treasurers, and clerks of the supervisors, continue to be appointed in the manner directed by the present or future acts of the legislature.

That delegates to represent this state in the general congress of the United States of America, be annually appointed as follows, to wit: The senate and assembly shall each openly nominate as many persons as shall be equal to the whole number of delegates to be appointed; after which nomination, they shall meet together, and those persons, named in both lists, shall be delegates; and out of those persons whose names are not in both lists, one half shall be chosen by the joint ballot of the senators and members of assembly, so met together as aforesaid.

XXX. That the style of all laws shall be as follows, to wit: "Be it enacted by the people of the state of New York represented in senate and assembly:" And that all writs and other proceedings shall run in the name of *The people of the state of New-York*, and be tested in the name of the chancellor or chief justice of the court, from whence they shall issue.

XXXII. And this convention doth further, in the name and by the authority of the good people of this state, ordain, determine and declare, that a court shall be instituted, for the trial of impeachments, and the correction of errors, under the regulations which shall be established by the legislature; and to consist of the president of the senate, for the time being, and the senators, chancellor and judges of the supreme court, or the major part of them: except that when an impeachment shall be prosecuted against the chancellor, or either of the judges of the supreme court, the person so impeached, shall be suspended from exercising his office, until his acquittal: and in like manner, when an appeal, from a decree in equity, shall be heard, the chancellor shall inform the court of the reasons of his decree, but shall not have a voice in the final sentence. And if the cause to be determined shall be brought up by writ of error, on a question of law, on a judgment in the supreme court, the judges of that court shall assign the reasons of such their judgment, but shall not have a voice for its affirmance or reversal.

XXXIII. That the power of impeaching all officers of the state, for mal and corrupt conduct in their respective offices, be vested in the representatives of the people in assembly; but that it shall always be necessary, that two-third parts of the members present shall consent to and agree in such impeachment. That previous to the trial of every impeachment, the members of the said court shall respectively be sworn, truly and impartially to try and determine the charge in question, according to evidence; and that no judgment of the said court shall be valid, unless it be assented to by two-third parts of the members then present; nor shall it extend further than to removal from office, and disqualification to hold and enjoy any place of honor, trust, or profit, under this state. But the party so convicted, shall be, nevertheless, liable and subject to indictment, trial, judgment and punishment, according to the laws of the land.

XXXIV. And it is further ordained, that in every trial on impeachment, or indictment for crimes or misdemeanor, the party impeached or indicted, shall be allowed council, as in civil actions.

XXXV. And this convention doth further, in the name and by the authority of the good people of this state, ordain, determine, and declare, that such parts of the common law of England, and of the statute law of England and Great Britain and of the acts of the legislature of the colony of New-York, as together did form the law of the of said colony on the 19th of April, in the year of our Lord one thousand seven hundred and seventy-five, shall be and continue the law of this state, subject to such alterations and provisions as the legislature of this state shall, from

time to time, make concerning the same. That such of the said acts as are temporary, shall expire at the times limited for their duration respectively. That all such parts of the said common-law, and all such of the said statutes, and acts aforesaid, or parts thereof, as may be construed to establish or maintain any particular denomination of Christians or their ministers, or concerning the allegiance heretofore yielded to, and the supremacy, sovereignty, government or prerogatives claimed or exercised by the king of Great Britain and his predecessors, over the colony of New-York, or its inhabitants, or are repugnant to this constitution—be, and they hereby are, abrogated and rejected. And this convention doth further ordain, that the resolves or resolutions of the congress of the colony of New-York, and of the convention of the state of New-York, now in force, and not repugnant to the government, established by this constitution, shall be considered as making part of the laws of this state; subject, nevertheless, to such alterations and provisions as the legislature of this state may, from time to time, make concerning the same.

XXXVI. And be it further ordained, that all grants of lands within this state, made by the king of Great Britain or persons acting under his authority, after the fourteenth day of October, one thousand seven hundred seventy-five shall be null and void: but that nothing in this constitution contained shall be construed to affect any grants of land within this state, made by the authority of the said king or his predecessors, or to annul any charters to bodies politic, by him or them, or any of them, made prior to that day. And that none of the said charters shall be adjudged to be void, by reason of any nonuser, or misuser of any of their respective rights or privileges, between the nineteenth day of April in the year of our Lord one thousand seven hundred and seventy-five, and the publication of this constitution. And further, that all such of the officers, described in the said charters respectively, as, by the terms of the said charters, were to be appointed by the governor of the colony of New-York, with or without the advice and consent of the council of the said king, in the said colony, shall henceforth be appointed by the council established by this constitution, for the appointment of officers in this state, until otherwise directed by the legislature.

XXXVII. And whereas, it is of great importance to the safety of this state, that peace and amity with the Indians within the same be at all times supported and maintained: and whereas, the frauds, too often practised towards the said Indians, in contracts made for their lands, have, in divers instances, been productive of dangerous discontents and animosities: Be it ordained, that no purchases or contracts for the sale of lands, made since the fourteenth day of October, in the year of our Lord one thousand seven hundred and seventy-five, or which hereafter may be made with or of the said Indians, within the limits of this state, shall be binding on the said Indians, or deemed valid, unless made under the authority, and with the consent of the legislature of this state.

XXXVIII. And whereas we are required, by the benevolent principles of rational liberty, not only to expel civil tyranny, but also to guard against that spiritual oppression and intolerance wherewith the bigotry and ambition of weak and wicked priests and princes have scourged mankind: this convention doth further, in the name and by the authority of the good people of this state, ordain, determine, and declare, that the free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall forever hereafter be allowed within this state to all mankind: Provided that the liberty of conscience hereby granted shall not be so construed as to excuse acts of licentiousness, or justify practices inconsistent with the peace or safety of this state.

XXXIX. And whereas the ministers of the gospel are, by their profession, dedicated to the service of God and the care of souls, and ought not to be diverted from the great duties of their function; therefore no minister of the gospel, or priest of any denomination whatsoever, shall, at any time hereafter, under any pretence or description whatever, be eligible to, or capable of, holding any civil or military office or place, within this state.

XL. And whereas, it is of the utmost importance to the safety of every state that it should always be in a condition of defence; and it is the duty of every man who enjoys the protection of society, to be prepared and willing to defend it; this convention, therefore, in the name and by the authority of the good people of this state, doth ordain, determine and declare, that the militia of this state, at all times hereafter, as well in peace as in war, shall be armed, and disciplined, and in readiness for service. That all such of the inhabitants of this state (being of the people called Quakers) as, from the scruples of conscience, may be averse to the bearing of arms, be therefrom excused by the legislature; and do pay to the state, such sums of money, in lieu of their personal service, as the same may, in the judgment of the legislature, be worth: And that a proper magazine of warlike stores, proportionate to the number of inhabitants, be forever hereafter, at the expence of this state, and by acts of the legislature, established, maintained, and continued in every county in this state.

XLI. And this convention doth further ordain, determine and declare, in the name and by the authority of the good people of this state, that trial by jury, in all cases in which it hath heretofore been used in the colony of New-York, shall be established and remain inviolate forever. And that no acts of attainder shall be passed by the legislature of this state, for crimes, other than those committed before the termination of the present war; and that such acts shall not work a corruption of blood. And further, that the legislature of this state shall, at no time hereafter, institute any new court or courts, but such as shall proceed according to the course of the common law.

XLII. And this convention doth further, in the name and by the authority of the good people of this state, ordain, determine and declare, that it shall be in the discretion of the legislature, to naturalize all such persons, and in such manner as they shall think proper; provided all such of the persons, so to be by them naturalized, as being born in parts beyond sea, and out of the United States of America, shall come to settle in, and become subjects of this state, shall take an oath of allegiance to this state, and abjure and renounce all allegiance and subjection to all and every foreign king, prince, potentate, and state, in all matters, ecclesiastical, as well as civil. By order,

LEONARD GANSEVOORT,
Pres. pro tempore.

AMENDMENTS.

IN CONVENTION OF THE DELEGATES OF THE STATE OF NEW-YORK.

Albany, October 27, 1801.

WHEREAS the legislature of this state, by their act passed the sixth day of April last, did propose to the citizens of this state to elect by ballot delegates to meet in convention "for the purpose of considering the parts of the constitution of this state respecting the number of senators and members of assembly in this state, and with power to reduce and limit the number of them as the said convention might deem proper: and also for the purpose of considering and determining the true construction of the twenty-third article of the constitution of this state, relative to the right of nomination to office:—

And whereas the people of this state have elected the members of this convention for the purpose above expressed; and this convention having maturely considered the subject thus submitted to their determination, do, in the name and by the authority of the people of this state, *ordain, determine and declare:*

I. That the number of the members of the assembly hereafter to be elected shall be one hundred, and shall never exceed one hundred and fifty.

II. That the legislature at their next session shall apportion the said one hundred members of the assembly among the several counties of this state, as nearly as may be, according to the number of electors which shall be found to be in each county by the census directed to be taken in the present year.

III. That from the first Monday in July next, the number of the senators shall be permanently thirty-two, and that the present number of senators shall be reduced to thirty-two in the following manner, that is to say:—The seats of the eleven senators composing the first class, whose time of service will expire on the first Monday in July next, shall not be filled up; and out of the second class the seats of one senator from the middle district and of one senator from the southern district shall be vacated by the senators of those districts belonging to that class casting lots among themselves; out of the third class, the seats of two senators from the middle district, and of one senator from the eastern district, shall be vacated in the same manner; out of the fourth class, the seats of one senator from the middle district, of one senator from the eastern district, and of one senator from the western district, shall be vacated in the same manner; and if any of the said classes shall neglect to cast lots, the senate shall in such case proceed to cast lots for such class or classes so neglecting. And that eight senators shall be chosen at the next election in such districts as the legislature shall direct, for the purpose of apportioning the whole number of senators amongst the four great districts of this state, as nearly as may be, according to the number of electors qualified to vote for senators, which shall be found to be in each of the said districts by the census abovementioned; which eight senators so to be chosen shall form the first class.

IV. That from the first Monday in July next, and on the return of every census thereafter, the number of the assembly shall be increased at the rate of two members for every year, until the whole number shall amount to one hundred and fifty; and that upon the return of every such census, the legislature shall apportion the senators and members of the assembly amongst the great districts and counties of this state, as nearly as may be, according to the number of their respective electors; Provided, That the legislature shall not be prohibited by any thing herein contained, from allowing one member of assembly to each county heretofore created within this state.

V. And this convention do further, in the name and by the authority of the people of this state, *ordain, determine and declare*, That by the true construction of the twenty-third article of the constitution of this state, the right to nominate all officers other than those who by the constitution are directed to be otherwise appointed, is vested concurrently in the person administering the government of this state for the time being and in each of the members of the council of appointment. By order,

A. BURR, *President of the convention, and Delegate from Orange county.*

Attest—*James Van Ingen,* *Joseph Constant,* } Secretaries.

Constitution of New-Jersey.

WHEREAS all the constitutional authority, ever possessed by the kings of Great Britain over these colonies,* or their other dominions, was, by compact, derived from the people, and held of them, for the common interest of the whole society; allegiance and protection are in the nature of things, reciprocal ties, each equally depending upon the other, and liable to be dissolved by the

* On the 20th September, 1777, an act of the legislature was passed substituting the word *state* for the word *colony* in commissions, writs, &c. No other alteration has take place in the constitution.

other's being refused or withdrawn:—And whereas George the third, king of Great Britain, has refused protection to the good people of these colonies: and, by assenting to sundry acts of the British parliament, attempted to subject them to the absolute dominion of that body: and has also made war upon them in the most cruel and unnatural manner, for no other cause than asserting their just rights—all civil authority under him is necessarily at an end, and a dissolution of government in each colony has consequently taken place.

And whereas, in the present deplorable situation of these colonies, exposed to the fury of a cruel and relentless enemy, some form of government is absolutely necessary, not only for the preservation of good order, but also the more effectually to unite the people and enable them to exert their whole force in their own necessary defence; and as the honorable the continental congress, the supreme council of the American colonies, has advised such of the colonies, as have not yet gone into measures, to adopt for themselves respectively such government as shall best conduce to their own happiness and safety, and the well-being of America in general:—We, the representatives of the colony of New-Jersey, having been elected by all the counties in the freest manner, and in congress assembled, have, after mature deliberation, agreed upon a set of charter-rights and the form of a constitution, in the manner following, viz.

I. That the government of this province shall be vested in a governor, legislative council, and general assembly.

II. That the said legislative council and general assembly, shall be chosen, for the first time on the second Tuesday of August next; the members whereof shall be the same in number and qualifications as is herein after mentioned; and shall be and remain vested with all the powers and authority to be held by any future legislative council and assembly of this colony until the second Tuesday in October, which shall be in the year of our Lord one thousand seven hundred and seventy-seven.

III. That on the second Tuesday in October yearly and every year, forever (with the privilege of adjourning from day to day, as occasion may require) the counties shall severally choose one person, to be a member of the legislative council of this colony, who shall be and have been for one whole year next before the election, an inhabitant and freeholder in the county in which he is chosen, and worth at least one thousand pounds, proclamation money, of real and personal estate, within the same county; that at the same time, each county shall also choose three members of assembly; provided that no person shall be entitled to a seat in the said assembly, unless he be, and have been, for one whole year next before the election, an inhabitant of the county he is to represent, and worth five hundred pounds proclamation money, in real and personal estate, in the same county; that on the second Tuesday next after the day of election, the council and assembly shall separately meet, and that the consent of both houses shall be necessary to every law; provided that seven shall be a quorum of the council for doing business, and that no law shall pass, unless there be a majority of all the representatives of each body personally present, and agreeing thereto. Provided always that if a majority of the representatives of this province, in council and general assembly convened, shall at any time or times hereafter, judge it equitable and proper, to add to or diminish the number or proportion of the members of assembly for any county or counties in this colony, then, and in such case, the same may, on the principles of more equal representation, be lawfully done, any thing in this charter to the contrary notwithstanding; so that the whole number of representatives in assembly, shall not at any time be less than thirty-nine.

IV. That all inhabitants of this colony of full age, who are worth fifty pounds proclamation money, clear estate in the same and have resided within the county in which they claim a vote, for twelve months immediately preceding the election, shall be entitled to vote for representatives in council and assembly and also for all other public officers, that shall be elected by the people of the county at large.

V. That the assembly, when met, shall have power to choose a speaker, and other their officers; to be judges of the qualifications and elections of their own members; sit upon their own adjournments; prepare bills to be passed into laws; and to empower their speaker to convene them whenever any extraordinary occurrence shall render it necessary.

VI. That the council shall also have power to prepare bills to pass into laws, and have other like powers as the assembly, and in all respects be a free and independent branch of the legislature of this colony; save only that they shall not prepare or alter any money bill—which shall be the privilege of the assembly; that the council shall, from time to time, be convened by the governor or vice-president, but must be convened at all times, when the assembly sits; for which purpose, the speaker of the house of assembly shall always, immediately after an adjournment, give notice to the governor or vice-president, of the time and place to which the house is adjourned.

VII. That the council and assembly jointly, at their first meeting after each annual election, shall, by a majority of votes, elect some fit person within the colony, to be governor for one year, who shall be constant president of the council, and have a casting vote in their proceedings; and that the council themselves shall choose a vice-president, who shall act as such in the absence of the governor.

VIII. That the governor, or in his absence, the vice-president of the council, shall have the supreme executive power, be chancellor of the colony, and act as captain-general and commander-in-chief of all the militia, and other military force in this colony; and that any three or more of the council shall, at all times be a privy council to advise the governor in all cases where he may find it necessary to consult them; and that the governor be ordinary or surrogate-general.

IX. That the governor and council (seven whereof shall be a quorum) be the court of appeals, in the last resort in all causes of law, as heretofore; and that they possess the power of granting pardons to criminals, after condemnation, in all cases of treason, felony, or other offences.

X. That captains, and all other inferior officers of the militia, shall be chosen by the companies in the respective counties; but field and general officers, by the council and assembly.

XI. That the council and assembly shall have power to make the great seal of this colony, which shall be kept by the governor, or in his absence, by the vice-president of the council, to be used by them, as occasion may require; and it shall be called *the great seal of the colony of New-Jersey.*

XII. That the judges of the supreme court shall continue in office for seven years; the judges of the inferior court of common pleas in the several counties, justices of the peace, clerks of the supreme court, clerks of the inferior court of common pleas and quarter sessions, the attorney general and provincial secretary, shall continue in office for five years; and the provincial treasurer shall continue in office for one year; and that they shall be severally appointed by the council and assembly, in manner aforesaid, and commissioned by the governor, or in his absence, by the vice-president of the council. Provided always, that the said officers, severally, shall be capable of being re-appointed, at the end of the terms severally before limited; and that any of the said officers shall be liable to be dismissed, when adjudged guilty of misbehavior by the council, on an impeachment of the assembly.

XIII. That the inhabitants of each county, qualified to vote as aforesaid, shall, at the time and place of electing their representatives, annually elect one sheriff, and one or more coroners; and that they may re-elect the same person to such offices, until he shall have served three years, but no longer; after which, three years must elapse before the same person is capable of being elected again. When the election is certified to the governor, or vice-president, under the hands of six freeholders of the county for which they were elected, they shall be immediately commissioned to serve in their respective offices.

XIV. That the townships, at their annual town meetings for electing other officers, shall choose constables for the districts respectively; and also three or more judicious freeholders of good character, to hear and finally determine all appeals, relative to unjust assessments, in cases of public taxation; which commissioners of appeal, shall, for that purpose, sit at some suitable time or times, to be by them appointed, and made known to the people by advertisements.

XV. That the laws of this colony shall begin in the following style, viz.—"Be it enacted by the council and general assembly of this colony, and it is hereby enacted by the authority of the same:" that all commissions granted by the governor or vice-president, shall run thus—"The colony of New-Jersey to A. B. &c. greeting:" and that all writs shall likewise run in the name of the colony; and that all indictments shall conclude in the following manner, viz. "Against the peace of this colony, the government and dignity of the same."

XVI. That all criminals shall be admitted to the same privileges of witnesses and counsel, as their prosecutors are or shall be entitled to.

XVII. That the estates of such persons as shall destroy their own lives shall not, for that offence, be forfeited; but shall descend in the same manner as they would have done, had such persons died in a natural way; nor shall any article, which may occasion accidentally the death of any one, be henceforth deemed a deodand, or in any wise forfeited on account of such misfortune.

XVIII. That no person shall ever, within this colony, be deprived of the inestimable privilege of worshipping Almighty God, in a manner agreeable to the dictates of his own conscience; nor, under any pretence whatever, be compelled to attend any place of worship, contrary to his own faith and judgment; nor shall any person, within this colony, ever be obliged to pay tithes, taxes, or any other rates, for the purpose of building or repairing any other church or churches, place or places of worship, or for the maintenance of any minister or ministry, contrary to what he believes to be right, or has deliberately and voluntarily engaged himself to perform.

XIX. That there shall be no establishment of any one religious sect in this province, in preference to another; and that no protestant inhabitant of this colony shall be denied the enjoyment of any civil right, merely on account of his religious principles; but that all persons, professing a belief in the faith of any protestant sect, who shall demean themselves peaceably under the government as hereby established, shall be capable of being elected into any office of profit or trust, or being a member of either branch of the legislature, and shall fully and freely enjoy every privilege and immunity enjoyed by others their fellow-subjects.

XX. That the legislative department of this colony may, as much as possible, be preserved from all suspicion of corruption, none of the judges of the supreme or other courts, sheriffs, or any other person or persons possessed of any post of profit under the government, other than justices of the peace, shall be entitled to a seat in assembly; but that on his being elected and taking his seat, his office or post shall be considered as vacant.

XXI. That all the laws of this province, contained in the edition lately published by Mr. Allison, shall be and remain in full force, until altered by the legislature of this colony, such only excepted as are incompatible with this charter, and shall be, according as heretofore, regarded in all respects, by all civil officers and others, the good people of this province.

XXII. That the common law of England, as well as so much of the statute law as has been heretofore practised in this colony, shall still remain in force, until they shall be altered by a future law of the legislature; such parts only excepted as are repugnant to the rights and privileges contained in this charter; and that the inestimable right of trial by jury shall remain confirmed, as a part of the law of this colony, without repeal forever.

XXIII. That every person who shall be elected, as aforesaid, to be a member of the legislative council or house of assembly shall previous to his taking his seat in council or assembly, take the following oath or affirmation, viz.

"I, A. B. do solemnly declare, that, as a member of the legislative council (or assembly, as the case may be) of the colony of New-Jersey, I will not assent to any law, vote, or proceeding, which shall appear to me injurious to the public welfare of said colony; nor that shall annul or repeal that part of the third section in the charter, of this colony which establishes that the elections of members of the legislative council and assembly shall be annual; nor that part of the twenty-second section in said charter respecting the trial by jury, nor that shall annul, repeal or alter any part or parts of the 18th or 19th sections of the same."

And any person or persons who shall be elected as aforesaid, is hereby empowered to administer to the said members the said oath or affirmation.

Provided always, and it is the true intent and meaning of this congress, that, if a reconciliation between Great Britain and these colonies should take place, and the latter be again taken under the protection and government of the crown of Great Britain, this charter shall be null and void, otherwise to remain firm and inviolable.

In Provincial Congress, Burlington, July 2, 1776.

By order of Congress,

SAMUEL TUCKER, President.

Extract from the minutes—

WILLIAM PATTERSON, Secretary.

CONSTITUTION OF THE

Commonwealth of Pennsylvania,

As ratified in Convention, the second day of Sept. 1790

WE, the People of the commonwealth of Pennsylvania, ordain and establish this constitution for its government.

ARTICLE I—SECTION I.

The legislative power of this commonwealth shall be vested in a general assembly, which shall consist of a senate and house of representatives.

II. The representatives shall be chosen annually, by the citizens of the city of Philadelphia, and of each county respectively, on the second Tuesday of October.

III. No person shall be a representative who shall not have attained the age of twenty-one years, and have been a citizen and inhabitant of the state three years next preceding his election, and the last year thereof an inhabitant of the city or county, in which he shall be chosen; unless he shall have been absent on the public business of the United States or of this state. No person, residing within any city, town or borough, which shall be entitled to a separate representation, shall be elected a member for any county; nor shall any person, residing without the limits of any such city, town, or borough, be elected a member therefor.

IV. Within three years after the first meeting of the general assembly, and within every subsequent term of seven years, an enumeration of the taxable inhabitants shall be made, in such manner as shall be directed by law. The number of representatives shall, at the several periods of making such enumeration, be fixed by the legislature, and apportioned among the city of Philadelphia, and the several counties, according to the number of taxable inhabitants in each; and shall never be less than sixty, nor greater than one hundred. Each county shall have, at least, one representative; but no county, hereafter erected, shall be entitled to a separate representation, until a sufficient number of taxable inhabitants shall be contained within it, to entitle them to one representative agreeable to the ratio which shall then be established.

V. The senators shall be chosen for four years, by the citizens of Philadelphia and of the several counties, at the same time, in the same manner, and at the same places where they shall vote for representatives.

VI. The number of senators shall, at the several periods of making the enumeration before mentioned, be fixed by the legislature, and apportioned among the districts formed as herein after directed according to the number of taxable inhabitants in each: and shall never be less than one-fourth nor greater than one-third, of the number of representatives.

VII. The senators shall be chosen in districts, to be formed by the legislature; each district containing such a number of taxable inhabitants, as shall be entitled to elect not more than four senators. When a district shall be composed of two or more counties, they shall be adjoining. Neither the city of Philadelphia, nor any county, shall be divided, in forming a district.

VIII. No person shall be a senator, who shall not have attained the age of twenty-five years, and have been a citizen and inhabitant of the state four years next before his election, and the last year thereof an inhabitant of the district, for which he shall have been chosen; unless he shall have been absent on the public business of the United States, or of this state.

IX. Immediately after the senators shall be assembled, in consequence of the first election, subsequent to the first enumeration, they shall be divided by lot, as equally as may be, into four classes. The seats of the senators of the first class shall be vacated at the expiration of the first year: of the second class at the expiration of the second year; of the third class at the expiration of the third year; and of the fourth class at the expiration of the fourth year; so that one fourth may be chosen every year.

X. The general assembly shall meet on the first Tuesday of December in every year; unless sooner convened by the governor.

XI. Each house shall choose its speaker and other officers; and the senate shall also choose a speaker *pro tempore*, when the speaker shall exercise the office of governor.

XII. Each house shall judge of the qualifications of its members. Contested elections shall be determined by a committee to be selected, formed, and regulated in such manner as shall be directed by law. A majority of each house shall constitute a quorum to do business: but a smaller number may adjourn from day to day, and may be authorised, by law, to compel the attendance of absent members, in such manner, and under such penalties, as may be provided.

XIII. Each house may determine the rules of its proceedings; punish its members for disorderly behavior; and, with the concurrence of two-thirds, expel a member; but not a second time for the same cause, and shall have all other powers necessary for a branch of the legislature of a free state.

XIV. Each house shall keep a journal of its proceedings, and publish them weekly, except such parts as may require secrecy. And the yeas and nays of the members on any question, shall, at the desire of any two of them, be entered on the journals.

XV. The doors of each house and of committees of the whole, shall be open, unless when the business shall be such as ought to be kept secret.

XVI. Neither house shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

XVII. The senators and representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the treasury of the commonwealth. They shall, in all cases, except treason, felony, and breach or surety of the peace, be free from arrest, during their attendance, at the session of the respective privileged houses, and in going to and returning from the same. And for any speech or debate in either house they shall not be questioned in any other place.

XVIII. No senator or representative shall, during the time for which he shall have been elected, be appointed to any civil office, under this commonwealth, which shall have been created, or the emoluments of which shall have been increased, during such time; and no member of congress, or other person holding any office except of attorney at law, and in the militia, under the United States or this commonwealth, shall be a member of either house, during his continuance in congress, or in office.

XIX. When vacancies happen in either house, the speaker shall issue writs of election to fill such vacancies.

XX. All bills, for raising revenue, shall originate in the house of representatives; but the senate may propose amendments as in other bills.

XXI. No money shall be drawn from the treasury, but in consequence of appropriations made by law.

XXII. Every bill, which shall have passed both houses, shall be presented to the governor. If he approve, he shall sign it; but if he shall not approve, he shall return it, with his objections, to the house in which it shall have originated; who shall enter the objections at large upon their journals, and proceed to reconsider it. If after such reconsideration, two-thirds of that house shall agree to pass the bill, it shall be sent, with the objections, to the other house, by which likewise it shall be reconsidered; and if approved by two-thirds of that house, it shall be a law. But in such cases, the votes of both houses shall be determined by yeas and nays; and the names of the persons voting for or against the bill shall be entered on the journals of each house respectively. If any bill shall not be returned by the governor within ten days (Sundays excepted) after it shall be presented to him, it shall be a law, in like manner as if he had signed it, unless the general assembly, by their adjournment, prevent its return; in which case it shall be a law, unless sent back within three days after their next meeting.

XXIII. Every order, resolution, or vote, to which the concurrence of both houses may be necessary, (except on a question of adjournment) shall be presented to the governor; and, before it shall take effect, be approved by him; or being disapproved, shall be re-passed by two-thirds of both houses, according to the rules and limitations prescribed in case of a bill.

ARTICLE II.

I. The supreme executive power of this commonwealth shall be vested in a governor.

II. The governor shall be chosen on the second Tuesday of October, by the citizens of the commonwealth, at the places where they shall respectively vote for representatives. The returns of every election for governor shall be sealed up and transmitted to the seat of government, directed to the speaker of the senate, who shall open and publish them, in the presence of the members of both houses of the legislature. The person having the highest number of votes, shall be governor. But if two or more shall be equal and highest in votes, one of them shall be chosen governor, by the joint vote of the members of both houses. Contested elections shall be determined by a committee, to be selected from both houses of the legislature, and formed and regulated in such manner as shall be directed by law.

III. The governor shall hold his office during three years from the third Tuesday of December, next ensuing his election; and shall not be capable of holding it longer than nine in any term of twelve years.

IV. He shall be at least thirty years of age, and have been a citizen and inhabitant of this state, seven years next before his election; unless he shall have been absent on the public business of the United States, or of this state.

V. No member of congress, or person holding any office under the United States, or this state, shall exercise the office of governor.

VI. The governor shall, at stated times, receive, for his services

a compensation which shall be neither increased nor diminished during the period for which he shall have been elected.

VII. He shall be commander in chief of the army and navy of this commonwealth, and of the militia; except when they shall be called into the actual service of the United States.

VIII. He shall appoint all officers, whose offices are established by this constitution, or shall be established by law, and whose appointments are not herein otherwise provided for; but no person shall be appointed to an office within any county, who shall not have been a citizen and inhabitant therein one year next before his appointment, if the county shall have been so long erected; but, if it shall not have been so long erected, then within the limits of the county or counties out of which it shall have been taken. No member of congress from this state, or any person holding or exercising any office of trust or profit under the United States, shall, at the same time, hold or exercise the office of judge, secretary, treasurer, prothonotary, register of wills, recorder of deeds, sheriff, or any office in this state, to which a salary is by law annexed, or any other office which future legislatures shall declare incompatible with offices or appointments under the United States.

IX. He shall have power to remit fines and forfeitures, and grant reprieves and pardons, except in cases of impeachment.

X. He may require information in writing, from the officers in the executive department, upon any subject relating to the duties of their respective offices.

XI. He shall, from time to time, give to the general assembly information of the state of the commonwealth, and recommend to their consideration, such measures as he shall judge expedient.

XII. He may, on extraordinary occasions, convene the general assembly; and in case of disagreement between the two houses, with respect to the time of adjournment, adjourn to such time as he shall think proper, not exceeding four months.

XIII. He shall take care that the laws be faithfully executed.

XIV. In case of the death or resignation of the governor, or of his removal from office, the speaker of the senate shall exercise the office of governor, until another governor shall be duly qualified. And if the trial of a contested election shall continue longer than until the third Tuesday in December next ensuing the election of governor, the governor of the last year, or the speaker of the senate, who may be in the exercise of the executive authority, shall continue therein, until the determination of such contested election, and until a governor shall be qualified as aforesaid.

XV. A secretary shall be appointed and commissioned during the governor's continuance in office, if he shall so long behave himself well. He shall keep a fair register of all the official acts and proceedings of the governor, and shall, when required, lay the same, and all papers, minutes and vouchers, relative thereto, before either branch of the legislature; and shall perform such other duties as shall be enjoined him by law.

ARTICLE III.

I. In elections by the citizens, every freeman, of the age of twenty-one years, having resided in the state two years next before the election, and within that time paid a state or county tax, which shall have been assessed at least six months before the election, shall enjoy the rights of an elector—provided that the sons of persons qualified as aforesaid, between the ages of twenty-one and twenty-two years, shall be entitled to vote, although they shall not have paid taxes.

II. All elections shall be by ballot, except those by persons in their representative capacities, who shall vote *viva voce*.

III. Electors shall, in all cases, except treason, felony and breach or surety of the peace, be privileged from arrest during their attendance on elections, and in going to and returning from them.

ARTICLE IV.

I. The house of representatives shall have the sole power of impeaching.

II. All impeachments shall be tried by the senate. When sitting for that purpose, the senators shall be upon oath or affirmation. No person shall be convicted without the concurrence of two-thirds of the members present.

III. The governor and all other civil officers, under this commonwealth, shall be liable to impeachment for any misdemeanor in office. But judgment in such cases, shall not extend further than to removal from office, and disqualification to hold any office of honor, trust, or profit, under this commonwealth. The party, whether convicted or acquitted, shall nevertheless be liable to indictment, trial, judgment, and punishment, according to law.

ARTICLE V.

I. The judicial power of this commonwealth shall be vested in a supreme court, in courts of oyer and terminer and general jail delivery, in a court of common pleas, orphans' court, register's court, and a court of quarter sessions of the peace for each county, in justices of the peace, and in such other courts as the legislature may, from time to time, establish.

II. The judges of the supreme court, and of the several courts of common pleas, shall hold their offices during good behavior. But for any reasonable cause, which shall not be sufficient ground of impeachment, the governor may remove any of them, on the address of two-thirds of each branch of the legislature. The judges of the supreme court, and the presidents of the several courts of common pleas, shall, at stated times, receive, for their services, an adequate compensation, to be fixed by law, which shall not be diminished during their continuance in office; but they shall receive no fees or perquisites of office, nor hold any other office of profit under this commonwealth.

III. The jurisdiction of the supreme court shall extend over the state; and the judges thereof shall, by virtue of their offices, be justices of oyer and terminer and general jail delivery in the several counties.

IV. Until it shall be otherwise directed by law, the several courts of common pleas shall be established in the following manner: The governor shall appoint in each county, not fewer than three nor more than four judges, who, during their continuance in office, shall reside in such county. The state shall be divided by law, into circuits, none of which shall include more than six, nor fewer than three counties. A president shall be appointed of the courts in each circuit, who, during his continuance in office shall reside therein. The president and judges, any two of whom shall be a quorum, shall compose the respective courts of common pleas.

V. The judges of the court of common pleas in each county, shall, by virtue of their offices, be justices of oyer and terminer and general jail delivery, for the trial of capital and other offenders therein: any two of the said judges, the president being one, shall be a quorum; but they shall not hold a court of oyer and terminer, or jail delivery, in any county, when the judges of the supreme court, or any of them, shall be sitting in the same county. The party accused, as well as the commonwealth, may, under such regulations, as shall be prescribed by law, remove the indictment and proceedings, or a transcript thereof, into the supreme court.

VI. The supreme court and the several courts of common pleas, shall, beside the powers heretofore usually exercised by them, have the powers of a court of chancery, so far as relates to the perpetuating testimony, the obtaining of evidence from places not within this state, and the care of the persons and estates of those, who are *non compos mentis*; and the legislature shall vest in the said courts such other powers, to grant relief in equity, as shall be found necessary; and may, from time to time, enlarge or diminish those powers, or vest them in such other courts as they shall judge proper, for the due administration of justice.

VII. The judges of the court of common pleas of each county, any two of whom shall be a quorum, shall compose the court of quarter sessions of the peace, and orphans' court thereof: and the register of wills, together with the said judges, or any two of them, shall compose the register's court of each county.

VIII. The judges of the courts of common pleas shall, within their respective counties, have the like powers with the judges of the supreme court, to issue writs of certiorari to the justices of the peace, and to cause their proceedings to be brought before them, and the like right and justice to be done.

IX. The president of the court in each circuit, within such circuit, and the judges of the court of common pleas, within their respective counties, shall be justices of the peace so far as relates to criminal matters.

X. The governor shall appoint a competent number of justices of the peace, in such convenient districts, in each county, as are or shall be directed by law; they shall be commissioned during good behavior; but may be removed on conviction of misbehavior in office, or of any infamous crime, or on the address of both houses of the legislature.

XI. A register's office for the probate of wills and granting letters of administration, and an office for the recording of deeds, shall be kept in each county.

XII. The style of all process shall be, the commonwealth of Pennsylvania: all prosecutions shall be carried on in the name and by the authority of the commonwealth of Pennsylvania, and conclude, *against the peace and dignity of the same*.

ARTICLE VI.

I. Sheriffs and coroners, shall, at the times and places of election of representatives, be chosen by the citizens of each county. Two persons shall be chosen for each office, one of whom, for each respectively, shall be appointed by the governor. They shall hold their offices for three years, if they shall so long behave themselves well, and until a successor be duly qualified: but no person shall be twice chosen or appointed sheriff in any term of six years. Vacancies in either of the said offices, shall be filled by a new appointment, to be made by the governor, to continue until the next general election, and until a successor shall be chosen and qualified as aforesaid.

II. The freemen of this commonwealth shall be armed and disciplined for its defence. Those who conscientiously scruple to bear arms shall not be compelled to do so; but shall pay an equivalent for personal service. The militia officers shall be appointed in such manner, and for such time, as shall be directed by law.

III. Prothonotaries, clerks of the peace and orphans' courts, recorders of deeds, registers of wills and sheriffs, shall keep their offices in the county town, of the county in which they respectively shall be officers; unless when the governor shall, for special reasons, dispense therewith, for any term, not exceeding five years after the county shall have been erected.

IV. All commissions shall be in the name and by the authority of the commonwealth of Pennsylvania, and be sealed with the state seal, and signed by the governor.

V. The state treasurer shall be appointed, annually, by the joint vote of the members of both houses. All other officers, in the treasury department, attornies at law, election officers, officers relating to taxes, to the poor and highways, constables, and other township officers, shall be appointed in such manner as is or shall be directed by law.

ARTICLE VII.

I. The legislature shall, as soon as conveniently may be, provide, by law, for the establishment of schools throughout the state, in such manner that the poor may be taught gratis.

II. The arts and sciences shall be promoted in one or more seminaries of learning.

III. The rights, privileges, immunities, and estates of religious societies and corporate bodies, shall remain, as if the constitution of this state had not been altered or amended.

ARTICLE VIII.

Members of the general assembly, and all officers, executive and judicial, shall be bound by oath or affirmation, to support the constitution of this commonwealth, and perform the duties of their respective offices with fidelity.

ARTICLE IX.

That the general, great and essential principles of liberty and free government may be recognized and unalterably established, WE DECLARE,

I. That all men are born equally free and independent, and have certain inherent and indefeisible rights, among which are those of enjoying and defending life and liberty, of acquiring, possessing, and protecting property and reputation, and of pursuing their own happiness.

II. That all power is inherent in the people; and all free governments are founded on their authority, and instituted for their peace, safety and happiness. For the advancement of those ends, they have, at all times, an unalienable and indefeisible right, to alter, reform, or abolish their government, in such manner as they may think proper.

III. That all men have a natural and indefeisible right to worship Almighty God according to the dictates of their own consciences; and no man can, of right, be compelled to attend, erect, or support any place of worship, or to maintain any ministry against his consent; that no human authority can, in any case whatever, control or interfere with the rights of conscience; and that no preference shall ever be given, by law, to any religious establishments or modes of worship.

IV. That no person, who acknowledges the being of a God, and a future state of rewards and punishments, shall, on account of his religious sentiments, be disqualified to hold any office or place of trust or profit under this commonwealth.

V. That elections shall be free and equal.

VI. The trial by jury shall be as heretofore, and the right thereof remain inviolate.

VII. That the printing presses shall be free to every person who undertakes to examine the proceedings of the legislature or any branch of government: and no law shall ever be made to restrain the right thereof. The free communication of thoughts and opinions is one of the invaluable rights of man: and every citizen may freely speak, write, and print on any subject, being responsible for the abuse of that liberty. In prosecutions for the publication of papers investigating the official conduct of officers, or men in public capacity, or where the matter published is proper for public information, the truth thereof may be given in evidence. And, in all indictments for libels, the jury shall have a right to determine the law and the facts, under the direction of the court as in other cases.

VIII. That the people shall be secure in their persons, houses, papers, and possessions, from unreasonable searches and seizures: and that no warrant to search any place, or to seize any person or things, shall issue without describing them as nearly as may be, nor without probable cause, supported by oath or affirmation.

IX. That in all criminal prosecutions, the accused hath a right to be heard by himself and his council; to demand the nature and cause of the accusation against him; to meet the witnesses face to face; to have compulsory process for obtaining witnesses in his favor: and, in prosecutions by indictment or information, a speedy public trial by an impartial jury of the vicinage; that he cannot be compelled to give evidence against himself; nor can he be deprived of his life, liberty or property, unless by the judgment of his peers, or the law of the land.

X. That no person shall, for any indictable offence, be proceeded against criminally by information, except in cases arising in the land or naval forces, or in the militia when in actual service, in time of war or public danger, or, by leave of the court, for oppression and misdemeanor, in office. No person shall, for the same offence, be twice put in jeopardy of life or limb; nor shall any man's property be taken or applied to public use, without the consent of his representatives, and without just compensation being made.

XI. That all courts shall be open; and every man for an injury done him in his lands, goods, person or reputation, shall have remedy by the due course of law, and right and justice administered without sale, denial or delay. Suits may be brought against the commonwealth in such manner, in such courts, and in such cases, as the legislature may, by law direct.

XII. That no power of suspending laws, shall be exercised unless by the legislature, or its authority.

XIII. That excessive bail shall not be required, nor excessive fines imposed, nor cruel punishments inflicted.

XIV. That all prisoners shall be bailable by sufficient sureties, unless for capital offences, when the proof is evident, or presumption great; and the privilege of the writ of habeas corpus shall not be suspended, unless when, in cases of rebellion or invasion, the public safety may require it.

XV. That no commission of oyer and terminer or jail delivery shall be issued.

XVI. That the person of a debtor, where there is not strong presumption of fraud, shall not be continued in prison, after delivering up his estate for the benefit of his creditors, in such manner as shall be prescribed by law.

XVII. That no *ex post facto* law, nor any law impairing contracts, shall be made.

XVIII. That no person shall be attainted of treason or felony by the legislature.

XIX. That no attainder shall work corruption of blood, nor, except during the life of the offender, forfeiture of estate to the commonwealth: that the estates of such persons, as shall destroy their own lives, shall descend or vest as in case of natural death: and if any person shall be killed by casualty, there shall be no forfeiture by reason thereof.

XX. That the citizens have a right, in a peaceable manner, to assemble together for their common good, and to apply to those invested with the powers of government, for redress of grievances, or other proper purposes, by petition, address or remonstrance.

XXI. That the right of the citizens to bear arms, in defence of themselves and the state, shall not be questioned.

XXII. That no standing army shall, in time of peace, be kept up, without the consent of the legislature; and the military shall, in all cases, and at all times, be in strict subordination to the civil power.

XXIII. That no soldier shall, in time of peace, be quartered in any house, without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.

XXIV. That the legislature shall not grant any title of nobility or hereditary distinction, nor create any office the appointment to which shall be for a longer term than during good behavior.

XXV. That emigration from the state shall not be prohibited.

XXVI. To guard against transgressions of the high powers which we have delegated, WE DECLARE, That every thing in this article, is excepted out of the general powers of government, and shall forever remain inviolate.

SCHEDULE.

That no inconvenience may arise from the alterations and amendments in the constitution of this commonwealth, and in order to carry the same into complete operation, it is hereby declared and ordained,—

I. That all laws of this commonwealth, in force at the time of making the said alterations and amendments in the said constitution, and not inconsistent therewith, and all rights, actions, prosecutions, claims, and contracts, as well of individuals as of bodies corporate, shall continue as if the said alterations and amendments had not been made.

II. That the president and supreme executive council shall continue to exercise the executive authority of this commonwealth, as heretofore, until the third Tuesday of December next: but no intermediate vacancies in the council shall be supplied by new elections.

III. That all officers, in the appointment of the executive department, shall continue in the exercise of the duties of their respective offices, until the first day of September, one thousand seven hundred and ninety-one—unless their commissions shall sooner expire by their own limitations, or the said offices become vacant by death or resignation—and no longer, unless re-appointed and commissioned by the governor; except that the judges of the supreme court shall hold their offices for the terms in their commissions respectively expressed.

IV. That justice shall be administered in the several counties of this state until the period aforesaid, by the same justices, in the same courts, and in the same manner, as heretofore.

V. That no person, now in commission as sheriff, shall be eligible at the next election, for a longer term than will, with the time which he shall have served in the said office, complete the term of three years.

VI. That, until the first enumeration shall be made, as directed in the fourth section of the first article of the constitution, established by this convention, the city of Philadelphia and the several counties shall be respectively entitled to elect the same number of representatives, as is now prescribed by law.

VII. That the first senate shall consist of eighteen members, to be chosen in districts, formed as follows, to wit: The city of Philadelphia and the counties of Philadelphia and Delaware shall be a district, and elect three senators: the county of Chester shall be a district, and shall elect one senator: the county of Bucks shall be a district, and shall elect one senator: the county of Montgomery shall be a district, and shall elect one senator: the county of Northampton shall be a district, and shall elect one senator: the counties of Lancaster and York shall be a district, and shall elect three senators: the counties of Berks and Dauphin shall be a district, and shall elect two senators: the counties of Cumberland and Mifflin shall be a district, and shall elect one senator: the counties of Northumberland, Luzerne and Huntingdon shall be a district, and shall elect one senator: the counties of Bedford and Franklin shall be a district, and shall elect one senator: the counties of Westmoreland and Alleghany shall be a district, and shall elect one senator: and the counties of Washington and Fayette shall be a district, and shall elect two senators: which senators shall serve until the first enumeration before-mentioned shall be made, and the representation in both houses of the legislature shall be established by law, and chosen as in the constitution is directed. Any vacancies, which shall happen in the senate, within the said time, shall be supplied as prescribed in the nineteenth section of the first article.

VIII. That the elections of senators shall be conducted, and the returns thereof made to the senate, in the same manner as is prescribed by the election laws of the state for conducting and making returns of the election of representatives. In those districts which consist of more than one county, the judges of the district elections within each county after having formed a return of the whole election within that county, in such manner as is directed by law, shall send the same, by one or more of their number, to the place hereinafter mentioned within the district, of which such county is a part, where the judges, so met, shall compare and cast up the several county returns, and execute, under their hands and seals, one general and true return for the whole district; that is to say, the judges of the district composed of the city of Philadelphia, and the counties of Philadelphia and Delaware, shall meet in the state-house in the city of Philadelphia; the judges of the district composed of the counties of Lancaster and York, shall meet at the court-house in the county of Lancaster; the judges of the district composed of the counties of Berks and Dauphin, shall meet at Middletown in the county of Berks; the judges of the district composed of the

counties of Cumberland and Mifflin, shall meet in Greenwood township, county of Cumberland, at the house now occupied by David Miller; the judges of the district composed of the counties of Northumberland, Luzerne and Huntingdon, shall meet in the town of Sunbury; the judges of the district composed of the counties of Bedford and Franklin, shall meet at the house now occupied by John Dickey, in Air township, Bedford county; the judges of the district composed of the counties of Westmoreland and Alleghany, shall meet in Westmoreland county, at the court-house in the town of Greensborough; the judges of the district composed of the counties of Washington and Fayette, shall meet at the court-house in the town of Washington, in Washington county, on the third Tuesday in October respectively, for the purposes aforesaid.

IX. That the election of the governor shall be conducted in the several counties, in the manner prescribed by the laws of the state for the election of representatives: and the returns in each county shall be sealed by the judges of the elections, and transmitted to the president of the supreme executive council, directed to the speaker of the senate, as soon after the election as may be.

Done in convention, the second day of September, in the year of our Lord one thousand seven hundred and ninety, and of the independence of the United States of America, the fifteenth. In testimony whereof we have hereunto subscribed our names.

THOMAS MIFFLIN, *President.*

James Wilson,	William Reed,
Hilary Baker,	Benjamin Tyson,
William Lewis,	Benjamin Pedan,
Thomas M'Kean,	Matthew Dill,
George Gray,	William Irvine,
William Robinson, junior,	James Power,
Robert Hare,	Joseph Heister,
Enoch Edwards,	Christian Lower,
Samuel Ogden,	Abraham Lincoln,
Thomas Jenks, junior,	Paul Groscop,
John Barclay,	Baltzer Gehr,
Abraham Stout,	Samuel Sitgreaves,
William Gibbons,	John Arndt,
Thomas Bull,	Peter Rhoads,
James Boyd,	Joseph Powell,
Edward Hand,	John Piper,
Robert Coleman,	Charles Smith,
Sebastian Graff,	Simon Snyder,
John Hubley,	William Findley,
John Breckbill,	William Todd,
Henry Miller,	Alexander Addison,
Henry Slagle,	John Hoge,
David Reddick,	John Gloninger,
James Ross,	William Brown,
John Smilie,	Alexander Graydon,
Albert Gallatin,	Timothy Pickering,
James M'Lene,	Andrew Henderson,
George Matthews,	John Gibson,
James Morris,	Thomas Beale,
Lindsey Coats,	John Sellers,
Jonathan Shoemaker,	Nathaniel Newlin.

Attest—JOSEPH REDMAN, *Secretary.*

JACOB SHALLUL, *Assistant Secretary.*

CONSTITUTION

OF THE STATE OF DELAWARE.

We, the people, hereby ordain and establish this constitution of government for the state of Delaware.

Through divine goodness, all men have by nature, the rights of worshipping and serving their Creator according to the dictates of their consciences, of enjoying and defending life and liberty, of acquiring and protecting reputation and property, and in general of attaining objects suitable to their condition, without injury by one to another; and as these rights are essential to their welfare, for the due exercise thereof, power is inherent in them; and therefore all just authority in the institutions of political society is derived from the people, and established with their consent, to advance their happiness: and they may, for this end, as circumstances require from time to time, alter their constitution of government.

ARTICLE I.

Sec. 1. Although it is the duty of all men frequently to assemble together for the public worship of the Author of the universe, and piety and morality, on which the prosperity of communities depends, are thereby promoted; yet no man shall or ought to be compelled to attend any religious worship, to contribute to the erection or support of any place of worship, or to the maintenance of any ministry, against his own free will and consent; and no power shall or ought to be vested in or assumed by any magistrate, that shall in any case interfere with, or in any manner control the rights of conscience, in the free exercise of religious worship, nor a preference given by law to any religious societies, denominations, or modes of worship.

Sec. 2. No religious test shall be required as a qualification to any office, or public trust, under this state.

Sec. 3. All elections shall be free and equal.

Sec. 4. Trial by jury shall be as heretofore.

Sec. 5. The press shall be free to every citizen, who undertakes to examine the official conduct of men acting in a public capacity; and any citizen may print on any subject, being responsible for the abuse of that liberty. In prosecutions for publications, investigating the proceedings of officers, or where the matter published is proper for public information, the truth thereof may be given in evidence; and in all indictments for libels, the jury may determine the facts and the law, as in other cases.

Sec. 6. The people shall be secure in their persons, houses, papers and possessions, from unreasonable searches and seizures; and no warrant to search any place, or to seize any person or things, shall issue, without describing them as particularly as may be; nor then, unless there be probable cause, supported by oath or affirmation.

Sec. 7. In all criminal prosecutions, the accused hath a right to be heard by himself and his counsel, to be plainly and fully informed of the nature and cause of the accusation against him, to meet the witnesses in their examination face to face, to have compulsory process in due time, on application by himself, his friends, or counsel, for obtaining witnesses in his favor, and a speedy and public trial by an impartial jury; he shall not be compelled to give evidence against himself; nor shall be deprived of life, liberty, or property, unless by the judgment of his peers or the law of the land.

Sect. 8. No person shall for any indictable offence be proceeded against criminally by information, except in cases arising in the land or naval forces, or in the militia when in actual service in time of war or public danger; and no person shall be for the same offence twice put in jeopardy of life or limb; nor shall any man's property be taken or applied to public use, without the consent of his representatives, and without compensation being made.

Sec. 9. All courts shall be open; and every man for an injury done him in his reputation, person, moveable or immoveable possessions, shall have remedy by due course of law, and justice administered according to the very right of the cause, and the law of the land, without sale, denial, or unreasonable delay or expense; and every action shall be tried in the county in which it shall be commenced, unless when the judges of the court in which the cause is to be tried, shall determine that an impartial trial thereof cannot be had in that county. Suits may be brought against the state, according to such regulations as shall be made by law.

Sec. 10. No power of suspending laws shall be exercised, but by authority of the legislature.

Sec. 11. Excessive bail shall not be required, nor excessive fines imposed, nor cruel punishments inflicted; and in the constructions of goals, a proper regard shall be had to the health of prisoners.

Sec. 12. All prisoners shall be bailable by sufficient sureties, unless for capital offences when the proof is positive or the presumption great; and when persons are confined on accusation for such offences, their friends and counsel may at proper seasons have access to them.

Sec. 13. The privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion, the public safety shall require it.

Sec. 14. No commission of oyer and terminer or gaol delivery shall be issued.

Sec. 15. No attainder shall work corruption of blood, nor, except during the life of the offender, forfeiture of estate. The estates of those who destroy their own lives shall descend or vest as in case of natural death, and if any person be killed by accident, no forfeiture shall be thereby incurred.

Sec. 16. Although disobedience to the laws by a part of the people, upon suggestions of impolicy or injustice in them, tends, by immediate effect and the influence of example, not only to endanger the public welfare and safety, but also in governments of a republican form, contravenes the social principles of such governments, founded on common consent for common good; yet the citizens have a right, in an orderly manner, to meet together, and to apply to persons entrusted with the powers of government, for redress of grievances, or other proper purposes, by petition, remonstrance, or address.

Sec. 17. No standing army shall be kept up without the consent of the legislature; and the military shall, in all cases and at all times, be in strict subordination to the civil power.

Sec. 18. No soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war but by a civil magistrate, in a manner to be prescribed by law.

Sec. 19. No hereditary distinction shall be granted; nor any office created or exercised, the appointment to which shall be for a longer term than during good behavior; and no person holding any office under this state shall accept of any office, or title of any kind whatever, from any king, prince, or foreign state.

We declare that every thing in this article is reserved out of the general powers of government hereinafter mentioned.

ARTICLE II.

Sec. 1. The legislative power of this state shall be vested in a general assembly, which shall consist of a senate and house of representatives.

Sec. 2. The representatives shall be chosen annually by the citizens residing in the several counties respectively, on the first Tuesday of October.

No person shall be a representative who shall not have attained to the age of twenty-four years, and have a freehold in the county in which he shall be chosen, have been a citizen and inhabitant of the state three years next preceding the first meeting of the legislature after his election, and the last year of that term an inhabitant of the county in which he shall be chosen, unless he shall have been absent on the public business of the United States or of this state.

There shall be seven representatives chosen in each county, until a greater number of representatives shall by the general assembly be judged necessary; and then, two thirds of each branch of the legislature concurring, they may by law make provision for increasing their number.

Sec. 3. The senators shall be chosen for three years by the citizens residing in the several counties respectively, having right to vote for representatives, at the same time when they shall vote for representatives, in the same manner, and at the same places.

No person shall be a senator who shall not have attained to the age of twenty-seven years, and have in the county, in which he shall be chosen, a freehold estate in two hundred acres of land or an estate in real and personal property, or in either, of the value of one thousand pounds at least, and have been a citizen and inhabitant of the state three years next preceeding the first meeting of the legislature after his election, and the last year of that term an inhabitant of the county in which he shall be chosen, unless he shall have been absent on the public business of the United States, or of this state.

There shall be three senators chosen in each county. When a greater number of senators shall, by the general assembly, be judged necessary, two thirds of each branch concurring, they may by law make provision for increasing their number; but the number of senators shall never be greater than one half, nor less than one third of the number of representatives.

Immediately after the senators shall be assembled in consequence of the first election, the senators residing in each county shall be divided by lot into three classes. The seats of the senators of the first class shall be vacated at the expiration of the first year; of the second class at the expiration of the second year; and of the third class at the expiration of the third year; so that one third may be chosen every year.

Sec. 4. The general assembly shall meet on the first Tuesday of January in every year, unless sooner convened by the governor.

Sec. 5. Each house shall choose its speaker and other officers; and also each house, whose speaker shall exercise the office of governor, may choose a speaker pro tempore.

Sec. 6. Each house shall judge of the elections, returns and qualifications of its own members; and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and shall be authorised to compel the attendance of absent members, in such manner, and under such penalties, as shall be deemed expedient.

Sec. 7. Each house may determine the rules of its proceedings, punish any of its members for disorderly behavior, and with the concurrence of two-thirds, expel a member; and shall have all other powers necessary for a branch of the legislature of a free and independent state.

Sec. 8. Each house shall keep a journal of its proceedings, and publish them immediately after every session, except such parts as may require secrecy; and the yeas and nays of the members on any question, shall, at the desire of any member, be entered on the journal.

Sec. 9. The doors of each house, and of committees of the whole shall be open, unless when the business is such as ought to be kept secret.

Sec. 10. Neither house shall, without the consent of the other, adjourn more than three days, nor to any other place than that in which the two houses shall be sitting.

Sec. 11. The senators and representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the treasury of the state; but no law, varying the compensation, shall take effect till an election of representatives shall have intervened. They shall in all cases, except treason, felony, or breach of the peace, be privileged from arrest during their attendance at the session of their respective houses, and in going to, and returning from the same; and for any speech or debate in either house, they shall not be questioned in any other place.

Sec. 12. No senator or representative shall, during the time for which he shall have been elected, be appointed to any civil office under this state, which shall have been created, or the emoluments of which shall have been increased during such time. No person concerned in any army or navy contract, no member of congress, nor any person holding any office under this state, or the United States, except the attorney-general, officers usually appointed by the courts of justice respectively, attornies at law, and officers in the militia, holding no disqualifying office, shall during his continuance in congress or in office, be a senator or representative.

Sec. 13. When vacancies happen in either house, writs of election shall be issued by the speakers respectively, or in cases of necessity, in such other manner as shall be provided for by law; and the persons thereupon chosen shall hold their seats as long as those in whose stead they are elected might have done, if such vacancies had not happened.

Sec. 14. All bills for raising revenue shall originate in the house of representatives; but the senate may propose alterations as on other bills; and no bill, from the operation of which, when passed into a law, revenue may incidently arise, shall be accounted a bill for raising revenue; nor shall any matter or clause whatever, not immediately relating to and necessary for raising revenue, be in any manner blended with or annexed to a bill for raising revenue.

Sec. 15. No money shall be drawn from the treasury, but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published annually.

ARTICLE III.

Sec. 1. The supreme executive powers of this state shall be vested in a governor.

Sec. 2. The governor shall be chosen on the first Tuesday of October, by the citizens of the state having right to vote for representatives, in the counties where they respectively reside, at the places where they shall vote for representatives.

The returns of every election for governor shall be sealed up and immediately delivered by the returning officers of the several counties to the speaker of the senate, or in case of his death, to the speaker of the house of representatives, who shall keep the same until a speaker of the senate shall be appointed, to whom they shall be immediately delivered after his appointment, who shall open and publish the same in the presence of the members of both houses of the legislature. Duplicates of the said returns shall also be immediately lodged with the prothonotary of each county. The person having the highest number of votes shall be governor; but, if two or more shall be equal in the highest number of votes, the members of the two houses shall by joint ballot, choose one of them to be governor; and if upon such ballot, two or more of them shall still be equal and highest in votes, the speaker of the senate shall have an additional casting vote.

Contested elections of a governor shall be determined by a joint committee, consisting of one third of all the members of each branch of the legislature, to be selected by ballot of the houses respectively: Every person of the committee shall take an oath or affirmation, that in determining the said election, he will faithfully discharge the trust reposed in him; and the committee shall always sit with open doors.

Sec. 3. The governor shall hold his office during three years from the third Tuesday of January next ensuing his election; and shall not be capable of holding it longer than three in any term of six years.

Sec. 4. He shall be at least thirty-six years of age, and have been a citizen and inhabitant of the United States twelve years next before the first meeting of the legislature after his election, and the last six of that term an inhabitant of this state, unless he shall have been absent on the public business of the United States or of this state.

Sec. 5. No member of congress, nor person holding any office under the United States or this state, shall exercise the office of governor.

Sec. 6. The governor shall at stated times receive for his services an adequate salary, to be fixed by law, which shall be neither increased nor diminished during the period for which he shall have been elected.

Sec. 7. He shall be commander in chief of the army and navy of this state, and of the militia; except, when they shall be called into the service of the United States.

Sec. 8. He shall appoint all officers whose offices are established by this constitution, or shall be established by law, and whose appointments are not herein otherwise provided for; but no person shall be appointed to an office within a county who shall not have a right to vote for representatives, and have been an inhabitant therein one year next before his appointment, nor hold the office longer than he continues to reside in the county. No member of congress, nor any person holding or exercising any office under the United States, shall at the same time hold or exercise the office of judge, treasurer, attorney-general, secretary, clerk of the supreme court, prothonotary, register for the probate of wills and granting letters of administration, recorder, sheriff, or any office, under this state, with a salary by law annexed to it, or any other office which the legislature shall declare incompatible with offices or appointments under the U. States. No person shall hold more than one of the following offices at the same time, to wit: treasurer, attorney-general, clerk of the supreme court, prothonotary, register, or sheriff. All commissions shall be in the name of the state, shall be sealed with the great seal, and be signed and tested by the governor.

Sec. 9. He shall have power to remit fines and forfeitures; and to grant reprieves and pardons, except in cases of impeachment.

Sec. 10. He may require information in writing from the officers in the executive department, upon any subject relating to the duties of their respective offices.

Sec. 11. He shall from time to time give to the general assembly information of affairs concerning the state; and recommend to their consideration such measures as he shall judge expedient.

Sec. 12. He may, on extraordinary occasions, convene the general assembly; and in case of disagreement between the two houses with respect to the time of adjournment, adjourn them to such time as he shall think proper, not exceeding three months.

Sec. 13. He shall take care that the laws be faithfully executed.

Sec. 14. On the death or resignation of the governor, or his removal from office on impeachment, or for inability, the speaker of the senate at that time shall exercise the office of governor until a new governor shall be duly qualified; and on the death or resignation of the speaker of the senate, the speaker of the house of representatives at that time shall exercise the office, until it be regularly vested in a new governor. If the trial of a contested election shall continue longer than the third Tuesday of January next ensuing the election of a governor, the governor of the last year, or the speaker of the senate or of the house of representatives, who may then be in the exercise of the executive authority, shall continue therein until a determination of such contested election. The governor shall not be removed from his office for inability but with the concurrence of two thirds of all the members of each branch of the legislature.

Sec. 15. A secretary shall be appointed and commissioned during the governor's continuance in office, if he shall so long behave himself well. He shall keep a fair register of all the official acts and proceedings of the governor; and shall when required by either branch of the legislature, lay the same and all papers, minutes, and vouchers relative thereto, before them; and shall perform such other duties as shall be enjoined him by law. He shall have a compensation for his services to be fixed by law.

ARTICLE IV.

Sec. 1. All elections of governor, senators, and representatives shall be by ballot; and in such elections every white freeman of the age of twenty-one years, having resided in the state two years next before the election, and within that time paid a state or county tax, which shall have been assessed at least six months before the election, shall enjoy the right of an elector; and the sons of persons so qualified shall, between the ages of twenty-one and twenty-two years, be entitled to vote, although they shall not have paid taxes.

Sec. 2. Electors shall in all cases, except treason, felony, or breach of the peace, be privileged from arrest during their attendance at elections, and in going to and returning from them.

ARTICLE V.

Sec. 1. The house of representatives shall have the sole power of impeaching; but two thirds of all the members must concur in an impeachment. All impeachments shall be tried by the senate, and, when sitting for that purpose, the senators shall be upon oath or affirmation to do justice according to the evidence. No person shall be convicted without the concurrence of two thirds of all the senators.

Sec. 2. The governor and all other civil officers under this state shall be liable to impeachment for treason, bribery, or any high crime or misdemeanor in office. Judgment in such cases shall not extend further than to removal from office and disqualification to hold any office of honor, trust or profit under this state; but the party convicted shall nevertheless be subject to indictment, trial, judgments and punishment according to law.

Sec. 3. Treason against this state shall consist only in levying war against it, or in adhering to the enemies of the government, giving them aid and comfort. No person shall be convicted of treasons unless on the testimony of two witnesses to the same overt act, or on confession in open court.

ARTICLE VI.

Sec. 1. The judicial power of this state shall be vested in a court of chancery, a supreme court, and courts of oyer and terminer and general gaol delivery, in a court of common pleas, and in an orphan's court, register's court, and a court of quarter sessions of the peace for each county, in justices of the peace, and in such other courts as the legislature, two thirds of all the members of each branch concurring, may, from time to time, establish.

Sec. 2. The chancellor and the judges of the supreme court and of the court of common pleas shall hold their offices during good behavior; but for any reasonable cause which shall not be a sufficient ground for an impeachment, the governor may, in his discretion, remove any of them, on the address of two thirds of all the members of each branch of the legislature They shall, at stated times, receive for their services adequate salaries, to be fixed by law, which shall not be diminished during their continuance in office, and shall be payable quarterly to their respective orders upon the treasurer, out of any monies in the treasury; but they shall hold no other office of profit, nor receive any fees or perquisites, except such fees as shall be fixed by law for business to be done out of court.

Sec. 3. The judges of the supreme court shall be not fewer than three, nor more than four, one of whom shall be the chief justice. There shall be a judge residing in each county. The jurisdiction of this court shall extend over the state. The judges shall, by virtue of their offices, be justices of oyer and terminer and general gaol delivery in the several counties. Any two of the judges may act as if all were present.

Sec. 4. The judges of the court of common pleas shall be not fewer than three, nor more than four, one of whom shall be chief justice. There shall be a judge residing in each county. The jurisdiction of court shall extend over the state. Any two of the judges may act as if all were present.

Sec. 5. The chancellor, or any judge of the supreme court, or of the court of common pleas, shall issue the writ of habeas corpus in vacation time and out of term, when duly applied for, which shall be immediately obeyed.

Sec. 6. Any judge of the supreme court, or of the court of common pleas may, unless the legislature shall otherwise provide by law, out of court, take the acknowledgement of deeds; and the same being thereon certified under his hand, such deed shall be recorded and have the same effect as if acknowledged in open court.

Sec. 7. In civil causes, when pending, the supreme court and court of common pleas shall have the power, before judgment, of directing, upon such terms as they shall deem reasonable, amendments in pleadings and legal proceedings, so that by error in any of them the determination of causes, according to their real merits, shall not be hindered; and also of directing the examination of witnesses that are aged, very infirm, or going out of the state, upon interrogatories *de bene esse*, to be read in evidence in case of the death or departure of the witnesses before the trial, or inability by reason of age, sickness, bodily infirmity, or imprisonment, then to attend; and also the power of obtaining evidence from places not within the state.

Sec. 8. Suits may originate in the supreme court or court of common pleas.

Sec. 9. One judge of the supreme court or of the court of common pleas may, if the other judges come not, open and adjourn the court, and may also make the necessary rules preparatory respectively to the trial or argument of causes.

Sec. 10. At any time pending an action for debt or damages, the defendant may bring into court a sum of money for discharging the same and the costs then accrued, and the plaintiff not accepting thereof, it shall be delivered for his use to the clerk or prothonotary of the court; and if, upon the final decision of the cause, the plaintiff shall not recover a greater sum than that paid into court for him, he shall not recover any costs accruing after such payment, except where the plaintiff is an executor or administrator.

Sec. 11. By the death of any party no suit in chancery or at law, where the cause of action survives, shall abate; but, until the legislature shall otherwise provide, suggestion of such death being entered of record, the executor or administrator of a deceased petitioner or plaintiff may prosecute the said suit; and if a respondent or defendant dies, the executor or administrator, being duly served with a scire facias thirty days before the return thereof, shall be considered as a party to the suit, in the same manner as if he had voluntarily made himself a party; and in any of those cases the court shall pass a decree, or render judgment for or against executors or administrators as to right appertains. But where an executor or administrator of a deceased respondent or defendant becomes a party, the courts, upon motion, shall grant such a continuance of the cause as to judges shall appear proper.

Sec. 12. Whenever a person, not being an executor or administrator, appeals from the decree of the chancellor, or applies for a writ of error, such appeal or writ shall be no stay of proceeding in the chancery, or the court to which the writ issues, unless the appellant or plaintiff in error shall give sufficient security, to be approved respectively by the chancellor, or by a judge of the court from which the writ issues, that the appellant or plaintiff in error shall prosecute respectively his appeal or writ to effect, and pay the condemnation money and all costs, or otherwise abide the decree in appeal or the judgment in error, if he fail to make his plea good.

Sec. 13. No writ of error shall be brought upon any judgment heretofore confessed, entered or rendered, but within five years from this time; nor upon any judgment hereafter to be confessed, entered or rendered, but within five years after the confessing, entering, or rendering thereof, unless the person entitled to such writ be an infant, feme covert, non compos mentis, or a prisoner, and then within five years exclusive of the time of such disability.

Sec. 14. The equity of jurisdiction heretofore exercised by the judges of the court of common pleas, shall be separated from the common law jurisdiction, and vested in a chancellor, who shall hold courts of chancery in the several counties of this state. In cases of equity jurisdiction, where the chancellor is interested, the cognizance thereof shall belong to the court of common pleas, with an appeal to the high court of errors and appeals.

Sec. 15. The judges of the court of common pleas, or any two of them, shall compose the orphans' court of each county, and may exercise the equity jurisdiction heretofore exercised by the orphans' court, except to the adjusting and settling executors, administrators, and guardians' accounts; in which cases they shall have an appellate jurisdiction from the sentence or decree of the register.—This court may issue process throughout the state, to compel the attendance of witnesses. Appeals may be made from the orphans' court, in cases where that court has original jurisdiction, to the supreme court, whose decision shall be final.

Sec. 16. An executor, administrator, or guardian, shall file every account with the register for the county, who shall as soon as conveniently may be, carefully examine the particulars with the proofs thereof, in the presence of such executor, administrator, or guardian, and shall adjust and settle the same, according to the very right of the matter, and the law of the land; which account so settled, shall remain in his office for inspection; and the executor, administrator, or guardian shall, within three months after such settlement, give due notice in writing to all persons entitled to shares of the estate, or to their guardians respectively, if residing within the state, that the account is lodged in the said office for inspection; and the judges of the orphans' court shall hear the exceptions of any persons concerned, if any be made, and thereupon allow no demand whatever against the estate of the deceased, unless upon consideration of all circumstances, they shall be fully convinced that the same is therewith justly chargeable.

Sec. 17. The registers of the several counties shall respectively hold the register's court in each county. Upon the litigation of a cause, the depositions of the witnesses examined shall be taken at large in writing, and make part of the proceedings in the cause.—This court may issue process, throughout the state, to compel the attendance of witnesses. Appeals may be made from a register's court to the supreme court, whose decision shall be final. In cases where a register is interested in questions concerning the probate of wills, the granting letters of administration, or executors, administrators, or guardians accounts, the cognizance thereof shall belong to the orphans' court, with an appeal to the supreme court those decisions shall be final.

Sec. 18. The prothonotaries of the court of common pleas may issue process as heretofore, take recognizances of bail, and sign confessions of judgment; and the clerks of the supreme court shall have the like powers. No judgment in the supreme court or court of common pleas held for one county, shall bind lands or tenements in another, until a testatum, fieri facias being issued, shall be entered of record in the office of the prothonotary of the county wherein the lands or tenements are situated.

Sec. 19. The judges of the court of common pleas shall, by virtue of their offices, compose the courts of general quarter sessions of the peace, and gaol delivery, within the several counties. Any two of the said judges shall be a quorum.

Sec. 20. The governor shall appoint a competent number of persons to the office of justice of the peace, not exceeding twelve in each county, until two-thirds of both houses of the legislature shall by law direct an addition to the number, who shall be commissioned for seven years, if so long they shall behave themselves well: but may be removed by the governor within that time on conviction of misbehavior in office, or on the address of both houses of the legislature.

Sec. 21. The style in all process and public acts, shall be, THE STATE OF DELAWARE. Prosecutions shall be carried on in the name of the state, and shall conclude *against the peace and dignity of the state.*

ARTICLE VII.

Sec. 1. There shall be a court styled *The high court of errors and appeals*, which shall consist of the chancellor and of the judges of the supreme court, and court of common pleas. Any four of the judges of this court may proceed on business; but any smaller number may open and adjourn the court. If any of them has rendered judgment or passed a decree in any cause before removal, he shall not sit judicially upon the hearing of the same in this court, but may assign the reasons upon which such judgment was rendered or such decree passed. The chancellor shall preside, except when he cannot sit judicially; and in such cases, or his absence, the chief justice of the supreme court; but if he is so disqualified or absent, then the chief justice of the court of com-

mon pleas shall preside; and if he is so disqualified or absent, then the next eldest judge according to priority in date of commissions, if present, and not disqualified as aforesaid, shall preside. This court shall have power to issue writs of error to the supreme court, and to the court of common pleas, and to receive and determine appeals from interlocutory or final orders or decrees of the chancellor. Errors shall be assigned, and causes of appeal exhibited in writing speedily, and citations duly served on adverse parties.

Sec. 2. Upon the reversal of a judgment of the supreme court, or of the court of common pleas, or a decree of the chancellor, this court shall respectively render such judgment, or pass such decree, as the supreme court or the court of common pleas, or the chancellor ought to have rendered or passed, except where the reversal is in favor of the plaintiff or petitioner in the original suit, and the damages to be assessed, or the matters to be decreed, are uncertain: In any of which cases the causes shall be remanded, in order to a final decision.

Sec. 3. The judges of this court may issue all process proper for bringing records fully before them, and for carrying their determinations into execution.

ARTICLE VIII.

Sec. 1. The members of the senate and house of representatives, the chancellor, the judges of the supreme court, and the court of common pleas, and the attorney general, shall, by virtue of their offices, be conservators of the peace throughout the state: and the treasurer, secretary, clerks of the supreme court, prothonotaries, registers, recorders, sheriffs, and coroners, shall, by virtue of their offices, be conservators thereof, within the counties respectively, in which they reside.

Sec. 2. The representative, and when there shall be more than one, the representatives, of the people of this state in congress, shall be voted for at the same places where representatives in the state legislature are voted for, and in the same manner.

Sec. 3. The state treasurer shall be appointed annually by the house of representatives, with the concurrence of the senate. No person, who hath served in the office of state treasurer, shall be eligible to a seat in either house of the legislature until he shall have made a final settlement of his accounts as treasurer, and discharged the balance, if any thereon due.

Sec. 4. Two persons for the office of sheriff, and two for the office of coroner, shall be chosen by the citizens residing in each county, and having right to vote for representatives, at the time and places of election of representatives, one of whom for each office, respectively, shall be appointed by the governor. They shall hold their offices for three years, if so long they shall behave themselves well, and until successors be duly qualified; but no person shall be twice appointed sheriff, upon election by the citizens, in any term of six years. The governor shall fill vacancies in these offices by new appointments to continue unto the next general election, and until successors shall be chosen and duly qualified. The legislature, two-thirds of each branch concurring, may, when it shall be judged expedient, vest the appointment of sheriffs and coroners in the governor; but no person shall be twice appointed sheriff in any term of six years.

Sec. 5. The attorney general, clerks of the supreme court, prothonotaries, registers, clerks of the orphans' courts and of the peace, shall repectively be commissioned for five years, if so long they shall behave themselves well; but may be removed by the governor within that time, on conviction of misbehavior in office, or on the address of both houses of the legislature. Prothonotaries, clerks of the supreme court, of the orphans' courts, registers, recorders, and sheriffs, shall keep their offices in the town or place in in each county, in which the supreme court and the court of common pleas are usually held.

Sec. 6. Attornies at law, all inferior officers in the treasury department, election officers, officers relating to taxes, to the poor and to the highways, constables and hundred officers, shall be appointed in such manner as is or may be directed by law.

Sec. 7. All salaries and fees annexed to offices shall be moderate; and no officer shall receive any fees whatever, without giving to the person who pays, a receipt for them, if required, therein specifying every particular, and the charge for it.

Sec. 8. No costs shall be paid by a person accused, on a bill being returned ignoramus; nor on acquittal by a jury, unless a majority of the judges present at the trial, certify, that there was probable cause for the prosecution.

Sec. 9. The rights, privileges, immunities and estates of religious societies and corporate bodies, shall remain as if the constitution of this state had not been altered. No clergyman or preacher of the gospel, of any denomination, shall be capable of holding any civil office in this state, or of being a member of either branch of the legislature, while he continues in the exercise of the pastoral or clerical functions.

Sec. 10. All the laws of this state existing at the time of making this constitution, and not inconsistent with it, shall remain in force, unless they shall be altered by future laws; and all actions and prosecutions now pending, shall proceed as if this constitution had not been made.

Sec. 11. This constitution shall be prefixed to every edition of the laws made by direction of the legislature.

Sec. 12. The legislature shall, as soon as conveniently may be, provide by law, for ascertaining what statutes, and parts of statutes, shall continue to be in force within this state; for reducing them, and all acts of the general assembly into such order, and publishing them in such manner, that thereby the knowledge of them may be generally diffused; for choosing inspectors and judges of elections, and regulating the same, in such manner, as shall most effectually guard the rights of the citizens entitled to vote; for better securing personal liberty, and easily and speedily redressing all wrongful restraints thereof; for more certainly obtaining returns of impartial juries; for dividing lands and tenements in sales by sheriffs, where they will bear a division, into as many parcels as may be without spoiling the whole, and for advertising and making the sales in such manner, and at such times and places, as may render them most beneficial to all persons concerned; and for establishing schools, and promoting arts and sciences.

ARTICLE IX.

Members of the general assembly, and all officers executive and judicial, shall be bound by oath or affirmation, to support the constitution of this state, and to perform the duties of their respective offices with fidelity.

ARTICLE X.

The general assembly, whenever two-thirds of each house shall deem it necessary, may, with the approbation of the governor, propose amendments to this constitution, and at least three, and not more than six months before the next general election of representatives, duly publish them in print for the consideration of the people; and if three fourths of each branch of the legislature shall after such an election, and before another, ratify the same amendments, they shall be valid to all intents and purposes, as parts of this constitution. No convention shall be called but by the authority of the people: and an unexceptionable mode of making their sense known, will be for them at a general election of representatives, to vote also by ballot *for* or *against* a convention, as they shall severally choose to do; and if thereupon, it shall appear that a majority of all the citizens in the state having right to vote for representatives, have voted for a convention, the general assembly shall accordingly at their next sessions, call a convention, to consist at least of as many members as there are in both houses of the legislature, to be chosen in the same manner, at the same places, and at the same time that representatives are, by the citizens entitled to vote for representatives, on due notice given for one month, and to meet within three months after they shall be elected.

SCHEDULE.

That no inconveniences may arise from the alterations of the constitution of this state, and in order to carry the same into complete operation, it is hereby declared and ordained:

Sec. 1. That the president, or in case of his death, inability, or absence from the state, the speaker of the legislative council at that time, and in case of his death, inability, or absence from the state, the speaker of the house of assembly, at that time, shall respectively, with the privy council, exercise the executive authority of this state, until the third Tuesday in January next. If the death, inability, or absence of the president, shall happen after the first Tuesday of next October, and before the first Tuesday in next January, then the executive authority shall devolve upon the person who was speaker of the council at the next preceding session of the general assembly; and in case of his death, inability or absence, upon the person who was speaker of the house of assembly at the said next preceding session.

Sec. 2. That all persons holding offices to which under this constitution, appointments are to be made by the governor, shall continue in the exercise of the duties of their respective offices, until the first Tuesday of October, one thousand seven hundred and ninety-three, unless their commissions shall sooner expire by their own limitations, or the said offices shall become vacant by death or resignation, and no longer, unless re-appointed and commissioned by the governor.

Sec. 3. That justice shall be administered in the several counties of this state, until the period last memioned, by the same justices, in the same courts, and in the same manner, as heretofore.

Sec. 4. That the sheriffs elected at October next shall hold their respective commissions two years, and no longer, from that time, or until new sheriffs are elected and appointed; and such persons shall not be again eligible until the expiration of three years after their commissions cease.

Sec. 5. That the elections of governor, senators, and representatives, shall be conducted by the same persons, and in the same manner, as is prescribed by the election laws of this state, concerning the election of members of the council and of the house of assembly; and the returns thereof shall be made respectively to the person exercising the executive authority, to the senate and to the house of representatives.

Sec. 6. The first meeting of the legislature under this constitution shall be at the town of Dover.

Done in convention, the twelfth day of June, in the year of our Lord one thousand seven hundred and ninety-two, and of the independence of the United States of America, the sixteenth. In testimony whereof, we have hereunto subscribed our names.

THOMAS MONTGOMERY, *President.*

John Dickinson,	George Monroe
Robert Armstrong,	James Morris,
Edward Roche,	Richard Bassett,
William Johnson,	Benjamin Dill,
Robert Haughey,	Henry Molliston,
Andrew Barratt,	Manlove Emerson,
Isaac Cooper,	George Mitchell,
Robert Coram,	John W. Batson,
Kensey Johns,	Rhoads Shankland,
Nicholas Ridgely,	Isaac Beauchamp,
John Clayton,	Daniel Polk.
Thomas White,	
(Attest)	JAMES BOOTH, *Secretary.*

AMENDMENT.

The following section was adopted, on the 22d of January, and 5th of February, 1802, *in lieu of the* 15*th section of the* 6*th article of the constitution:*

Sec. 15. The chancellor shall compose the orphans' court of each

county, and exercise the equity jurisdiction heretofore exercised by the orphans' court, except as to the adjusting and settling executors, administrators and guardians accounts, in which cases he shall have an appellate jurisdiction from the sentence and decree of the register: This court may issue process throughout the state to compel the attendance of witnesses. Appeals may be made from the orphans' court, in cases where that court has original jurisdiction, to the supreme court, whose decision shall be final.

Constitution of Maryland.

[*Note.*—Such parts of the original Constitution, or the Amendments thereto, as have been altered or abolished, are printed in *italics*.]

A Declaration of Rights and the Constitution and form of Government, agreed to by the Delegates of Maryland in free and full convention assembled.

The parliament of Great Britain by a declaratory act, having assumed a right to make laws to bind the colonies in all cases whatsoever, and in pursuance of such claim, endeavored, by force of arms, to subjugate the United Colonies to an unconditional submission to their will and power, and having at length constrained them to declare themselves independent states, and to assume government under the authority of the people;—Therefore, we the delegates of Maryland, in free and full convention assembled, taking into our most serious consideration, the best means of establishing a good constitution in this state, for the sure foundation and more permanent security thereof, declare,

I. That all government of right originates from the people, is founded in compact only, and instituted solely for the good of the whole.

II. That the people of this state ought to have the sole and exclusive right of regulating the internal government and police thereof.

III. That the inhabitants of Maryland are entitled to the common law of England, and the trial by jury, according to the course of that law, and to the benefit of such of the English statutes, as existed at the time of their first emigration, and which, by experience, have been found applicable to their local and other circumstances, and of such others as have been since made in England, or Great Britain, and have been introduced, used and practised by the courts of law or equity; and also to all acts of assembly in force on the first of June, seventeen hundred and seventy-four, except such as may have since expired, or have been, or may be altered by acts of convention, or this declaration of rights—subject, nevertheless, to the revision of, and amendment or repeal by the legislature of this state: and the inhabitants of Maryland are also entitled to all property, derived to them from or under the charter granted by his majesty Charles I. to Cæcilius Calvert, baron of Baltimore.

IV. That all persons invested with the legislative or executive powers of government, are the trustees of the public, and, as such, accountable for their conduct; wherefore, whenever the ends of government are perverted, and the public liberty manifestly endangered, and all other means of redress are ineffectual, the people may, and of right ought, to reform the old or establish a new government. The doctrine of non-resistance against arbitrary power and oppression, is absurd, slavish, and destructive of the good and happiness of mankind.

V. That the right, in the people, to participate in the legislature, is the best security of liberty, and the foundation of all free government; for this purpose, elections ought to be free and frequent, and every man having property in, a common interest with, and an attachment to the community, ought to have a right of suffrage.

VI. That the legislative, executive, and judicial powers of government, ought to be forever separate and distinct from each other.

VII. That no power of suspending laws, or the execution of laws, unless by, or derived from the legislature, ought to be exercised or allowed.

VIII. That freedom of speech and debate, or proceedings in the legislature, ought not be impeached in any other court of judicature.

IX. That a place of the meeting of the legislature ought to be fixed, the most convenient to the members thereof, and to the depository of public records; and the legislature ought not to be convened or held at any other place, but from evident necessity.

X. That, for redress of grievances, and for amending, strengthening and preserving the laws, the legislature ought to be frequently convened.

XI. That every man hath a right to petition the legislature, for the redress of grievances, in a peaceable and orderly manner.

XII. That no aid, charge, tax, fee, or fees, ought to be set, rated, or levied under any pretence, without consent of the legislature.

XIII. That the levying taxes by the poll is grievous and oppressive, and ought to be abolished: that paupers ought not to be assessed for the support of government; but every other person in the state ought to contribute his proportion of public taxes for the support of government, according to his actual worth, in real or personal property within the state; yet fines, duties or taxes, may properly and justly be imposed and laid, with a political view, for the good government and benefit of the community.

XIV. That sanguinary laws ought to be avoided, as far as is consistent with the safety of the state; and no law, to inflict cruel and unusual pains and penalties, ought to be made in any case, or at any time hereafter.

XV. That retrospective laws, punishing facts committed before the existence of such laws, and by them only declared criminal, are oppressive, unjust, and incompatible with liberty; wherefore no *ex post facto* law ought to be made.

XVI. That no law, to attaint particular persons of treason or felony, ought to made in any case, or at any time hereafter.

XVII. That every freeman, for any injury done him in his person or property ought to have remedy, by the course of the law of the land, and ought to have justice and right, freely without sale, fully without any denial, and speedily without delay, according to the law of the land.

XVIII. That the trial of facts, where they arise, is one of the greatest securities of the lives, liberties, and estates of the people.

XIX. That, in all criminal prosecutions, every man hath a right to be informed of the accusation against him; to have a copy of the indictment or charge in due time (if required) to prepare for his defence: to be allowed counsel to be confronted with the witnesses against him; to have process for his witnesses; to examine the witnesses for and against him, on oath; and to a speedy trial by an impartial jury, without whose unanimous consent, he ought not to be found guilty.

XX. That no man ought to be compelled to give evidence against himself, in a common court of law, or in any other court, but in such cases as have been usually practised in this state, or may hereafter be directed by the legislature.

XXI. That no freeman ought to be taken, or imprisoned, or dissezed of his freehold, liberties, or privileges, or outlawed, or exiled, or in any manner destroyed, or deprived of his life, liberty or property, but by the judgment of his peers or by the law of the land.

XXII. That excessive bail ought not to be required, nor excessive fines imposed, nor cruel or unusual punishments inflicted by the courts of law.

XXIII. That all warrants, without oath or affirmation, to search suspected places, or to seize any person or property, are grievous and oppressive; and all general warrants, to search suspected places or to apprehend suspected persons, without naming or describing the place or the person in special—are illegal and ought not to be granted.

XXIV. That there ought to be no forfeiture of any part of the estate of any person for any crime except murder, or treason against the state, and then only on conviction and attainder.

XXXV. That a well regulated militia is the proper and natural defence of a free government.

XXVI. That standing armies are dangerous to liberty, and ought not to be raised or kept up without consent of the legislature.

XXVII. That in all cases and at all times, the militia ought to be under strict subordination to, and control of the civil power.

XXVIII. That no soldier ought to be quartered in any house in time of peace, without the consent of the owner; and in time of war in such manner only, as the legislature shall direct.

XXIX. That no person, except regular soldiers, mariners, and marines in the service of this state, or militia when in actual service ought in any case to be subject to or punishable by martial law.

XXX. That the independency and uprightness of judges are essential to the impartial administration of justice, and a great security to the rights and liberties of the people; wherefore the chancellor *and judges* ought to hold commissions during good behavior; and the said chancellor *and judges* shall be removed for misbehavior, on conviction in a court of law, and may be removed by the governor, upon the address of the general assembly; provided that two-thirds of all the members of each house concur in such address. That salaries, liberal but not profuse, ought to be secured to the chancellor *and the judges* during the continuance of their commissions, in such manner, and at such times, as the legislature, shall hereafter direct, upon consideration of the circumstances of this state. No chancellor or judge ought to hold any other office, civil or military, or receive fees or perquisites of any kind.

XXXI. That a long continuance in the first executive department of power, or trust, is dangerous to liberty; a rotation, therefore, in those departments, is one of the best securities of permanent freedom.

XXXII. That no person ought to hold, at the same time, more than one office of profit, nor ought any person in public trust, to receive any present from any foreign state, or from the U. States, or any of them, without the approbation of this state.

XXXIII. That as it is the duty of every man to worship God in such manner as he thinks most acceptable to him, all persons professing the christian religion, are equally entitled to protection in their religious liberty; wherefore no person ought by any law, to be molested in his person or estate, on account of his religious persuasion or profession, or for his religious practice; unless, under color of religion, any man shall disturb the good order, peace, or safety of the state, or shall infringe the laws of morality, or injure others in their natural, civil, or religious rights: nor ought any person to be compelled to frequent or maintain, or contribute, unless on contract, to maintain any particular place of worship, or any particular ministry; *yet the legislature may, in their discretion, lay a general and equal tax, for the support of the christian religion; leaving to each individual the power of appointing the payment over of the money, collected from him, to the support of any particular place of worship or minister, or for the benefit of the poor of his own denomination, or the poor in general of any particular county:* but the churches, chapels, glebes, and all other property, now belonging to the church of England, ought to remain to the church of England forever. And all acts of assembly lately passed, for collecting monies for building or repairing particular churches or chapels of ease, shall continue in force, and be executed, unless the legislature shall, by act supersede or repeal the same: but no county court shall assess any quantity of tobacco, or sum of money, hereafter, on the application of any vestry-men or church wardens;

and every encumbent of the church of England, who hath remained in his parish, and performed his duty, shall be entitled to receive the provision and support established by the act entitled "An act for the support of the clergy of the church of England in this province," till the November court of this present year, to be held for the county in which his parish shall lie, or partly lie, or for such time as he hath remained in his parish, and performed his duty.

XXXIV. That every gift, sale, or devise of lands, to any minister, public teacher, or preacher of the gospel, as such, or to any religious sect, order, or denomination, or to or for the support, use, or benefit of, or in trust for, any minister, public teacher, or preacher of the gospel, as such, or any religious sect, order, or denomination; and every gift or sale of goods or chattels, to go in succession, or to take place after the death of the seller or donor, to or for such support, use, or benefit, and also every devise of goods or chattels to or for the support, use, or benefit of any minister, public teacher, or preacher of the gospel, as such, or any religious sect, order, or denomination, without the leave of the legislature, shall be void, except always any sale, gift, lease, or devise of any quantity of land not exceeding two acres, for a church, meeting, or other house of worship, and for a burying ground, which shall be improved, enjoyed, or used only for such purpose, or such sale, gift, lease, or devise, shall be void.

XXXV. That no other test or qualification ought to be required, on admission to any office of trust or profit, than such oath of support and fidelity to this state, and such oath of office as shall be directed by this convention or the legislature of this state, and a declaration of a belief in the christian religion.

XXXVI. That the manner of administering an oath to any person ought to be such as those of the religious persuasion, profession, or denomination, of which such person is one, generally esteem the most effectual confirmation by the attestation of the Divine Being; and that the people called Quakers, those called Tunkers, and those called Menonists, holding it unlawful to take an oath on any occasion, ought to be allowed to make their solemn affirmation in the manner that Quakers have been heretofore allowed to affirm; and to be of the same avail as an oath in all such cases as the affirmation of Quakers hath been allowed and accepted within the state instead of an oath. And further, on such affirmation, warrants to search for stolen goods, or the apprehension or commitment of offenders, ought to be granted, or security for the peace awarded; and Quakers, Tunkers, or Menonists, ought also, on their solemn affirmation aforesaid, to be admitted as witnesses in all criminal cases *not capital*.

XXXVII. That the city of Annapolis ought to have all its rights, privileges, and benefits agreeable to its charter and the acts of assembly confirming and regulating the same, subject, nevertheless, to such alterations as may be made by this convention or any future legislature.

XXXVIII. That the liberty of the press ought to be inviolably preserved.

XXXIX. That monopolies are odious, contrary to the spirit of a free government, and the principles of commerce, and ought not to be suffered.

XL. That no title of nobility or hereditary honors ought to be granted in this state.

XLI. That the subsisting resolves of this and the several conventions held for this colony, ought to be in force as laws, unless altered by this convention or the legislature of this state.

XLII. That this declaration of rights, or the form of government to be established by this convention, or any part of either of them, ought not to be altered, changed or abolished by the legislature of this state, but in such manner as this convention shall prescribe and direct.

This declaration of rights was assented to and passed in convention of the delegates of the freemen of Maryland, begun and held at Annapolis, the 14th day of August, A. D. 1776.

By order of the Convention,

MAT. TILGHMAN, President.

THE CONSTITUTION AND FORM OF GOVERNMENT.

I. That the legislature consist of two distinct branches, a senate and house of delegates, which shall be styled, The General Assembly of Maryland.

II. That the house of delegates shall be chosen in the following manner: All freemen *above twenty-one years of age, having a freehold of fifty acres of land in the county in which they offer to vote, and residing therein, and all freemen having property in this state above the value of thirty pounds current money, and having resided in the county in which they offer to vote, one whole year next preceding the election, shall have a right of suffrage in the election of delegates for such county; and all freemen so* qualified, shall, on the first Monday of October, seventeen hundred and seventy-seven, and on the same day in every year thereafter, assemble in the counties, in which they are respectively qualified to vote, *at the court-house in the said counties, or at such other place as the legislature shall direct;* and when assembled, they shall proceed to elect, *viva voce*, four delegates for their respective counties, of the most wise, sensible, and discreet of the people, residents in the county where they are to be chosen, one whole year next preceding the election, above twenty-one years of age, *and having in the state real or personal property above the value of five hundred pounds current money;* and upon the final casting of the polls, the four persons who shall appear to have the greatest number of legal votes shall be declared and returned duly elected for their respective county.

III. *That the sheriff of each county, or, in case of sickness, his deputy, (summoning two justices of the county, who are required to attend for the preservation of the peace) shall be judge of the election, and may adjourn from day to day, if necessary, till the same be finished, so that the whole election shall be concluded in four days; and shall make his return thereof, under his hand, to the chancellor of this state for the time being.*

IV. That all persons, qualified by the charter of the city of Annapolis, to vote for burgesses, shall, on the same first Monday of October, seventeen hundred and seventy-seven, and on the same day in every year forever thereafter, elect, *viva voce*, by a majority of votes, two delegates, qualified agreeable to the said charter; *that the mayor, recorder, and aldermen of the said city, or any three of them, be judges of the election, appoint the place in the said city for holding the same, and may adjourn from day to day, as aforesaid; and shall make return thereof as aforesaid; but the inhabitants of the said city shall not be entitled to vote for delegates for Anne-Arundel county, unless they have a freehold of fifty acres of land in the county, distinct from the city.*

V. That *all persons, inhabitants of* Baltimore town *and having the same qualifications as electors in the county,* shall, on the same first Monday of October, seventeen hundred and seventy-seven, and on the same day in every year forever thereafter, *at such place in the said town, as the judges shall appoint,* elect *viva voce*, by a majority of votes, two delegates, *qualified as aforesaid;* but if the said inhabitants of the town shall so decrease, as that the number of persons, having right of suffrage therein, shall have been, for the space of seven years successively, less than one half the number of voters in some one county in this state, such town shall thenceforward cease to send two delegates or representatives to the house of delegates, until the said town shall have one half of the number of voters in some one county in this state.

VI. That *the commissioners of the said town, or any three or more of them, for the time being, shall be judges of the said election, and may adjourn as aforesaid, and shall make return thereof as aforesaid; but* the inhabitants of the said town shall not be entitled to vote for, or be elected delegates for Baltimore county: neither shall the inhabitants of Baltimore county, out of the limits of Baltimore town, be entitled to vote for, or be elected, delegates for the said town.

VII. That on refusal, death, disqualification, resignation, or removal out of this state, of any delegate, or on his becoming governor, or member of the council, a warrant of election shall issue by the speaker, for the election of another in his place; of which ten days notice, at the least (excluding the day of notice and the day of election) shall be given.

VIII. That not less than a majority of the delegates, with their speaker (to be chosen by them by ballot) constitute a house for the transaction of any business, other than that of adjourning.

IX. That the house of delegates shall judge of the elections and qualifications of delegates.

X. That the house of delegates may originate all money bills, propose bills to the senate, or receive those offered by that body, and assent, dissent, or propose amendments; that they may inquire, on the oath of witnesses, into all complaints, grievances, and offences, as the grand inquest of this state, and may commit any person, for any crime, to the public jail, there to remain till be be discharged by due course of law. They may expel any member for a great misdemeanor, but not a second time for the same cause. They may examine and pass all accounts of the state, relating either to the collection or expenditure of the revenue, or appoint auditors to state and adjust the same. They may call for all public or official papers and records, and send for persons whom they may judge necessary in the course of their enquiries, concerning affairs relating to the public interest; and may direct all office bonds (which shall be made payable to the state) to be sued for any breach of duty.

XI. That the senate may be at full and perfect liberty to exercise their judgment in passing laws; and that they may not be compelled by the house of delegates, either to reject a money bill which the emergency of affairs may require, or to assent to some other act of legislation, in their conscience and judgment, injurious to the public welfare—the house of delegates shall not, on any occasion, or under any pretence, annex to, or blend with a money bill, any matter, clause or thing, not immediately relating to, and necessary for the imposing, assessing, levying, or applying the taxes or supplies to be raised for the support of government, or the current expences of the state; and to prevent altercation about such bills, it is declared, that no bill, imposing duties or customs for the mere regulation of commerce, or inflicting fines for the reformation of morals, or to enforce the execution of the laws, by which an incidental revenue may arise, shall be accounted a money bill; but every bill assessing, levying or applying taxes or supplies for the support of government or the current expenses of the state, or appropriating money in the treasury, shall be deemed a money bill.

XII. That the house of delegates may punish, by imprisonment, any person, who shall be guilty of a contempt, in their view by any disorderly or riotous behaviour, or by threats to, or abuse of their members, or by any obstruction to their proceedings. They may also punish, by imprisonment, any person who shall be guilty of a breach of privilege, by arresting on civil process, or by assaulting any of their members, during their sitting, or on their way to, or return from the house of delegates, or by any assault of, or obstruction to their officers, in the execution of any order or process, or by assaulting or obstructing any witness, or any other person, attending on, or on their way to, or from the house, or by rescuing any person committed by the house: and the senate may exercise the same power, in similar cases.

XIII. That the treasurers (one for the western, and another for the eastern shore) and the commissioners of the loan office, may be appointed by the house of delegates, during their pleasure; and in case of refusal, death, resignation, disqualification, or removal out of the state, of any of the said commissioners or treasurers, in the recess of the general assembly, the governor, with the advice of the council, may appoint and commission a fit and proper person to such vacant office, to hold the same until the meeting of the next general assembly.

XIV. That the senate be chosen in the following manner: all persons, qualified *as aforesaid*, to vote for county delegates, shall

on the first Monday of September 1781, and on the same day in every fifth year, forever thereafter, elect, *viva voce*, by a majority of votes, two persons for their respective counties (qualified *as aforesaid*, to be elected county delegates) to be electors of the senate: *and the sheriff of each county, or, in case of sickness, his deputy (summoning two justices of the county, who are required to attend, for the preservation of peace) shall hold and be judge of the said election, and make return thereof, as aforesaid.* And all persons qualified *as aforesaid*, to vote for delegates for the city of Annapolis and Baltimore town, shall, on the same first Monday of September, 1781, and on the same day in every fifth year forever thereafter, elect, *viva voce*, by a majority of votes, one person for the said city and town respectively, qualified *as aforesaid*, to be elected a delegate for the said city and town respectively: the said election to be held in the same manner, as the election of delegates for the said city and town; the right to elect the said elector, with respect to Baltimore town, to continue as long as the right to elect delegates for the said town.

XV. That the said electors of the senate meet at the city of Annapolis, or such other place as shall be appointed for convening the legislature, on the third Monday in September, 1781, and on the same day in every fifth year forever thereafter, and they, or any twenty-four of them so met, shall proceed to elect, by ballot, either out of their own body, or the people at large, fifteen senators (nine of whom to be residents on the western, and six to be residents on the eastern shore) men of the most wisdom, experience and virtue, above twenty-five years of age, residents of the state above three whole years next preceding the election, *and having the in real and personal property, above the value of one thousand pounds current money.*

XVI. That the senators shall be ballotted for, at one and the same time, and out of the gentlemen residents of the western shore, who shall be proposed as senators, the nine who shall, on striking the ballots, appear to have the greatest numbers in their favor, shall be accordingly declared and returned duly elected; and out of the gentlemen, residents of the eastern shore, who shall be proposed as senators, the six who shall, on striking the ballots appear to have the greatest numbers in their favor, shall be accordingly declared and returned duly elected; and if two or more on the same shore, shall have an equal number of ballots, in their favor, by which the choice shall not be determined on the first ballot, then the electors shall again ballot before they separate, in which they shall be confined to the persons who on the first ballot shall have had an equal number, and they who shall have the greatest number in their favor on the second ballot, shall be accordingly declared and returned duly elected; and if the whole number should not thus be made up, because of an equal number on the second ballot still being in favor of two or more persons, then the election shall be determined by lot between those who have equal numbers: which proceedings of the electors shall be certified under their hands, and returned to the chancellor for the time being.

XVII. That the electors of senators shall judge of the qualifications and elections of members of their body; and on a contested election, shall admit to a seat, as an elector, such qualified person as shall appear to them to have the greatest number of legal votes in his favor.

XVIII. That the electors, immediately on their meeting, and before they proceed to the election of senators, take such oath of support and fidelity to this state, as this convention or the legislature shall direct, and also an oath "to elect without favor, affection, partiality, or prejudice, such persons for senators, as they in their judgment and conscience believe best qualified for the office."

XIX. That in case of refusal, death, resignation, disqualification, or removal out of this state of any senator, or on his becoming governor or a member of the council, the senate shall, immediately thereupon, or at their next meeting thereafter, elect by ballot, (in the same manner as the electors are above directed to choose senators) another person in his place, for the residue of the said term of five years.

XX. That not less than a majority of the senate, with their president, (to be chosen by them by ballot,) shall constitute a house for the transacting any business, other than that of adjourning.

XXI. That the senate shall judge of the elections and qualifications of senators.

XXII. That the senate may originate any other, except money bills, to which their assent or dissent only shall be given: and may receive any other bills from the house of delegates, and assent, dissent, or propose amendments.

XXIII. That the general assembly meet annually *on the first Monday of November*, and, if necessary, oftener.

XXIV. That each house shall appoint its own officers, and settle its own rules of proceeding.

XXV. That a person of wisdom, experience and virtue shall be chosen governor, *on the second Monday of November, seventeen hundred and seventy-seven, and on the second Monday in every year forever thereafter*, by the joint ballot of both houses (to be taken in each house, respectively) deposited in a conference room; the boxes to be examined by a joint committee of both houses, and the numbers severally reported, that the appointment may be entered; which mode of taking the joint ballot of both houses, shall be adopted in all cases. But if two or more shall have an equal number of ballots in their favor, by which the choice shall not be determined on the first ballot, then a second ballot shall be taken, which shall be confined to the persons who, on the first ballot, shall have had an equal number; and if the ballots should again be equal between two or more persons, then the election of the governor shall be determined by lot between those who have equal numbers; and if the person chosen governor shall die, resign, remove out of the state, or refuse to act (sitting the general assembly,) the senate and house of delegates shall, immediately thereupon, proceed to a new choice, in manner aforesaid.

XXVI. That the senators and delegates, *on the second Tuesday of November, seventeen hundred and seventy-seven, and annually on the second Tuesday of November, forever thereafter*, elect by joint ballot (in the same manner, as senators are directed to be chosen) five of the most sensible, discreet, and experienced men, above twenty-five years of age, residents in the state above three years next preceding the election, *and having that in a freehold of lands and tenements, above the value of one thousand pounds current money*, to be the council to the governor, whose proceedings shall be always entered on record, to any part whereof any member may enter his dissent; and their advice, if so required by the governor, or any member of the council, shall be given in writing, and signed by the members giving the same respectively; which proceedings of the council shall be laid before the senate or house of delegates, when called for by them or either of them. The council may appoint their own clerk, who shall take such oath of support and fidelity to this state, as this convention, or the legislature, shall direct; and of secrecy, in such matters, as he shall be directed by the board to keep secret.

XXVII. *That the delegates to congress, from this state, shall be chosen annually, or superceded in the mean time, by the joint ballot of both houses of assembly; and that there be a rotation in such manner, that at least two of the number be annually changed; and no person shall be capable of being a delegate to congress for more than three in any term of six years, and no person, who holds any office of profit in the gift of congress, shall be eligible to sit in congress; but if appointed to any such office, his seat shall be thereby vacated. That no person, unless above twenty-five years of age, and a resident in the state more than five years next preceding the election, and having real and personal estate in this state above the value of one thousand pounds current money, shall be eligible to sit in congress.*

XXVIII. That the senators and delegates, immediately on their annual meeting, and before they proceed to any business, and every person hereafter elected a senator or delegate, before he acts as such—shall take an oath of support and fidelity to this state, as aforesaid; and before the election of a governor, or members of the council, shall take an oath "to elect without favor, affection, partiality, or prejudice, such person as governor, or member of the council, as they in their judgment and conscience, believe best qualified for the office."

XXIX. That the senate and delegates may adjourn themselves respectively; but if the two houses should not agree on the same time, but adjourn to different days, then shall the governor appoint and notify one of those days, or some day between; and the assembly shall then meet and behave accordingly: and he shall, if necessary, by advice of the council, call them before the time, to which they shall in any manner be adjourned, on giving not less than ten days notice thereof: but the governor shall not adjourn the assembly, otherwise than as aforesaid, nor prorogue or dissolve it at any time.

XXX. That no person, unless above twenty-five years of age, a resident in this state above five years next preceding the election—*and having in the state real and personal property, above the value of five thousand pounds current money (one thousand pounds whereof, at least, to be of freehold estate)* shall be eligible as governor.

XXXI. That the governor shall not continue in that office longer than three years successively, nor be eligible as governor, until the expiration of four years, after he shall have been out of that office.

XXXII. That upon the death, resignation, or removal out of this state, of the governor, the first named of the council, for the time being, shall act as governor, and qualify in the same manner, and shall immediately call a meeting of the general assembly, giving not less than fourteen days notice of the meeting, at which meeting, a governor shal be appointed, in manner aforesaid, for the residue of the year.

XXXIII. That the governor, by and with the advice and consent of the council, may embody the militia; and when embodied, shall alone have the direction thereof; and shall also have the direction of all the regular land and sea forces, under the laws of this state, (but he shall not command in person, unless advised thereto by the council, and then only so long as they shall approve thereof;) and may alone exercise all other the executive powers of government, where the concurrence of the council is not required, according to the laws of this state, and grant reprieves or pardons for any crime, except in such cases where the law shall otherwise direct: *and may, during the recess of the general assembly, lay embargoes, to prevent the departure of any shipping, or the exportation of any commodities, for any time not exceeding thirty days in any one year—summoning the general assembly to meet within the time of the continuance of such embargo;* and may also order and compel any vessel to ride quarantine, if such vessel, or the port from which she shall have come, shall, on strong grounds, be suspected to be infected with the plague; but the governor shall not under any pretence, exercise any power or prerogative, by virtue of any law, statute, or custom of England or Great Britain.

XXXIV. That the members of the council, or any three or more of them, when convened, shall constitute a board, for the transacting of business; that the governor, for the time being, shall preside in the council, and be entitled to a vote, on all questions, in which they shall be divided in opinion: and in the absence of the governor, the first named of the council shall preside; and, as such, shall also vote in all cases, where the other members disagree in their opinion.

XXXV. That, in case of refusal, death, resignation, disqualification, or removal out of the state, by any person chosen a member of the council, the members thereof, immediately thereupon, or at their next meeting thereafter, shall elect by ballot, another person (qualified *as aforesaid*) in his place, for the residue of the year.

XXXVI. That the council shall have power to make the great seal of this state, which shall be kept by the chancellor for the time being, and affixed to all laws, commissions, grants, and other public testimonials, as has been heretofore practised in this state.

XXXVII. That no senator, delegate of the assembly, or member of the council, if he shall qualify as such, shall hold or execute any office of profit, or receive the profits of any office exercised by any other person, during the time, for which he shall be elected; nor shall any governor be capable of holding any other office of profit in this state, while he acts as such—and no person, holding a place of profit, or receiving any part of the profits thereof, or receiving the profits arising on any agency, for the supply of cloathing or provisions for the army or navy, or holding any office under the United States, or any of them—or a minister, or preacher of the gospel, of any denomination—or, any person employed in the regular land service, or marine of this, or the United States—shall have a seat in the general assembly, or in the council of this state.

XXXVIII. That every governor, senator, delegate to *congress, or* assembly, and member of the council, before he acts as such, shall take an oath, "that he will not receive, directly or indirectly, at any time, any part of the profits of any office, held by any other person, during his acting in his office of governor, senator, delegate to *congress or* assembly, or member of the council, or the profits, or any part of the profits, arising on any agency, for the supply of cloathing or provisions for the army or navy."

XXXIX. That if any senator, delegate to *congress or* assembly, or member of the council, shall hold or execute any office of profit, or receive directly or indirectly, at any time, the profits, or any part of the profits, of any office exercised by any other person, during his acting as senator, delegate to *congress or* assembly, or member of the council—his seat (on conviction, in a court of law, by the oath of two credible witnesses) shall be void; and he shall suffer the punishment for wilful and corrupt perjury, or be banished this state forever, or disqualified forever from holding any office or place of trust or profit, as the court may adjudge.

XL. That the chancellor, *all judges*, the attorney-general, *clerks of the general court*, the clerks of the county courts, the registers of the land office, and the registers of wills, shall hold their commissions during good behaviour, removable only for misbehaviour, on conviction in a court of law.

XLI. That there be a register of wills appointed for each county, who shall be commissioned by the governor, on the joint recommendation of the senate and house of delegates; and that upon the death, resignation, disqualification, or removal out of the county, by any register of wills, in the recess of the general assembly, the governor, with the advice of the council, may appoint and commission, a fit and proper person to such vacant office, to hold the same until the meeting of the general assembly.

XLII. That sheriffs shall be elected in each county, by ballot, every third year; that is to say, two persons for the office of sheriff for each county, the one of whom having the majority of votes, or if both have an equal number, either of them, at the discretion of the governor, to be commissioned by the governor, for the said office; and having served for three years, such person shall be ineligible for the four years next succeeding; bond with security to be taken every year as usual; and no sheriff shall be qualified to act before the same is given. In case of death, refusal, resignation, disqualification, or removal out of the county, before the expiration of the three years, the other person, chosen as aforesaid, shall be commissioned by the governor, to execute the said office, for the residue of the said three years, the said person giving bond with security as aforesaid; and in case of his death, refusal, resignation, disqualification, or removal out of the county, before the expiration of the said three years, the governor, with the advice of the council, may nominate and commission a fit and proper person, to execute the said office for the residue of the said three years, the said person giving bond and security as aforesaid. The election shall be held at the same time and place, appointed for the election of delegates; *and the justices there summoned to attend for the preservation of the peace, shall be judges thereof, and of the qualification of candidates, who shall appoint a clerk to take the ballots. All freemen, above the age of twenty-one years, having a freehold of fifty acres of land in the county in which they offer to ballot, and residing therein—and all freemen above the age of twenty-one years, and having property in the state above the value of thirty pounds current money, and having resided in the county in which they offer to ballot, one whole year next preceding the election—shall have a right of suffrage.* No person to be eligible to the office of sheriff for a county, but an inhabitant of the said county, above the age of twenty-one years, *and having real and personal property in the state, above the value of one thousand pounds current money.* The justices *aforesaid*, shall examine the ballots; and the two candidates properly qualified, having in each county the majority of legal ballots, shall be declared duly elected for the office of sheriff for such county, and returned to the governor and council, with a certificate of the number of ballots for each of them.

XLIII. That every person, who shall offer to vote for delegates, or for the electors of the senate, or for the sheriff, shall, (if required by any three persons qualified to vote) before he be admitted to poll, take such oath or affirmation of support and fidelity to this state, as this convention, or the legislature shall direct.

XLIV. That a justice of the peace may be eligible as a senator, delegate, or member of the council, and may continue to act as a justice of the peace.

XLV. *That no field officer of the militia shall be eligible as a senator, delegate, or member of the council.*

XLVI. That all civil officers, hereafter to be appointed for the several counties of this state, shall have been residents of the county respectively, for which they shall be appointed, six months next before their appointment; and shall continue residents of their county, respectively, during their continuance in office.

XLVII. That the judges of *the general court and justices of* the county courts, may appoint the clerks of their respective courts; *and in case of refusal, death, resignation, disqualification or removal out of the state, or from their respective shores, of the clerks of the general court, or either of them, in the vacation of the said court*—and in case of refusal, death, resignation, disqualification, or removal out of the county, of any of the said county clerks, in the vacation of the county court, of which he is clerk—the governor, with the advice of the council, may appoint and commission a fit and proper person to such vacant office respectively, to hold the same until the meeting of the next *general court, or* county court, as the case may be.

XLVIII. That the governor for the time being, with the advice and consent of the council, may appoint the chancellor, and all judges and justices, the attorney-general, *naval officers*, officers in the regular land and sea service, officers of the militia, registers of the land-office, surveyors, and all other civil officers of government (assessors, constables, and overseers of the roads only excepted) and may also suspend or remove any civil officer, who has not a commission, during good behaviour; and may suspend any militia officer for one month; and may also suspend or remove any regular officer in the land or sea service: and the governor may remove or suspend any militia officer, in pursuance of the judgment of a court martial.

XLIX. That all civil officers of the appointment of the governor and council, who do not hold commissions during good behaviour, shall be appointed annually *in the third week of November.* But if any of them shall be re-appointed, they may continue to act without any new commission or qualification; and every officer, though not re-appointed, shall continue to act until the person who shall be appointed and commissioned in his stead, shall be qualified.

L. That the governor, every member of the council, and every judge and justice, before they act as such, shall respectively take an oath "that he will not through favor, affection, or partiality, vote for any person to office, and that he will vote for such person, as in his judgment and conscience, he believes most fit and best qualified for the office: and that he has not made, nor will make, any promise or engagement, to give his vote or interest in favor of any person."

LI. That there be two registers of the land office, one upon the western, and one upon the eastern shore, that short extracts of the grants and certificates of the land, on the western and eastern shores, respectively, be made in separate books, at the public expense, and deposited in the offices of the said registers, in such manner, as shall hereafter be provided by the general assembly.

LII. That every chancellor, judge, register of wills, commissioner of the loan office, attorney-general, sheriff, treasurer, *naval officer*, register of the land office, register of the chancery court, and every clerk of the common law courts, surveyor, and auditor of the public accounts, before he acts as such, shall take an oath, "that he will not directly or indirectly receive any fee or reward for doing his office of but what is, or shall be allowed by law: nor will, directly or indirectly receive the profits or any part of the profits of any office, held by any other person: and that he does not hold the same office in trust, or for the benefit of any other person."

LIII. That if any governor, chancellor, judge, register of wills, attorney-general, register of the land office, commissioners of the loan office, register of the chancery court, or any clerk of the common law courts, treasurer, *naval officer*, sheriff, surveyor, or auditor of public accounts, shall receive directly or indirectly at any time, the profits or any part of the profits of any office, held by any other person, during his acting in the office to which he is appointed, his election, appointment and commission (on conviction in a court of law, by the oath of two credible witnesses) shall be void, and he shall suffer the punishment for wilful and corrupt perjury or be banished this state forever, or disqualified forever from holding any office or place of trust or profit, as the court may adjudge.

LIV. That if any person shall give any bribe, present, or reward, or any promise, or any security for the payment or delivery of any money, or any other thing, to obtain or procure a vote, to be governor, senator, delegate to *congress, or* assembly, member of the council or judge, or to be appointed to any one of the said offices, or to any office of profit or trust, now created, or hereafter to be created in this state—the person giving, and the person receiving the same (on conviction in a court of law) shall be forever disqualified to hold any office of trust or profit in this state.

LV. That every person, appointed to any office of profit or trust, shall before he enters on the execution thereof, take the following oath, to wit, "I, A. B. do swear, That I do not hold myself bound in allegiance to the king of Great Britain, and that I will be faithful, and bear true allegiance to the state of Maryland," and shall also subscribe a declaration of his belief in the Christian religion.

LVI. That there be a court of appeals, composed of persons of integrity and sound judgment in the law, whose judgment shall be final and conclusive, in all cases of appeal *from the general court of chancery, and court of admiralty*; that one person of integrity and sound judgment in the law, be appointed chancellor; *that three persons of integrity and sound judgment in the law, be appointed judges of the court now called the provincial court: and that the same court be hereafter called and known by the name of the general court: which court shall sit on the western and eastern shores, for transacting, and determining the business of the respective shores, at such times and places, as the future legislature of this state shall direct and appoint.*

LVII. That the style of all laws run thus: "Be it enacted by the general assembly of Maryland." That all public commissions and grants run thus: "The state of Maryland," &c. and shall be signed by the governor, and attested by the chancellor, with the seal of the state annexed—except military and militia commissions, which shall not be attested by the chancellor, or have the seal of the state annexed; that all writs shall run in the same style, and be tested, sealed, and signed as usual. That all indictments shall conclude, "against the peace, government and dignity of the state."

LVIII. That all penalties and forfeitures, heretofore going to the king or proprietary, shall go to the state—save only such as the general assembly may abolish or otherwise provide for.

LIX. That this form of government, and the declaration of rights, and no part thereof, shall be altered, changed, or abolished, unless a bill so to alter, change, or abolish the same, shall pass the general assembly, and be published at least three months before a new election, and shall be confirmed by the general assembly, after a new election of delegates, in the first session after such new election; provided, that nothing in this form of government, which relates to the eastern shore, particularly, shall at any time hereafter be altered, unless for the alteration and confirmation thereof, at least two thirds of all the members of each branch of the general assembly shall concur.

LX. That every bill, passed by the general assembly, when engrossed, shall be presented by the speaker of the house of delegates, in the senate, to the governor for the time being, who shall sign the same, and thereto affix the great seal, in the presence of the members of both houses: every law shall be recorded *in the general court office of the western shore*, and in due time printed, published, and certified under the great seal to the several county courts, in the same manner as hath been heretofore used in this state.

This form of government was assented to, and passed in convention of the delegates of the freemen of Maryland, begun and held at the city of Annapolis, the 14th day of August, A. D. 1776.

By order of the Convention,

M. TILGHMAN, President.

AMENDMENTS

TO THE CONSTITUTION OF MARYLAND.

I. Be it enacted by the general assembly of Maryland, *That all those parts of the constitution and form of government that prevent a citizen, conscientiously scrupulous of taking an oath in any case, and who are permitted by the constitution to affirm in certain cases, from taking a seat in the legislature, or from being an elector of the senate, without taking an oath of support to this government, shall be, and hereby are repealed, abrogated, and made null and void; and hereafter a solemn affirmation or declaration of support to this government, may be taken, and shall be received instead of an oath, by any citizen chosen a delegate or elector of the senate, conscientiously scrupulous of taking an oath in any case, and who is permitted by the constitution to affirm in certain cases.*—Passed November, 1788, ch. 42—confirmed 1789, ch. 1.

II. That no member of congress, or person holding an office of trust or profit under the United States, shall be capable of having a seat in the general assembly, or being an elector of the senate, or holding any office of trust or profit under this state; and if any member of the general assembly, elector of the senate, or person holding an office of trust or profit under this state, shall take his seat in congress, or accept of an office of trust or profit under the United States, or being elected to congress, or appointed to an office of trust or profit under the United States, not make his resignation of his seat in congress, or of his office, as the case may be, within thirty days after notice of his election, or appointment to office as aforesaid, his seat in the legislature of this state, or as elector of the senate, or of his office held under this state as aforesaid, shall be void; Provided, that no person who is now, or may be at any time when this act becomes part of the constitution, a member both of congress and of the legislature of this state, or who now holds, or may hold at the time when this act becomes part of the constitution, an office as aforesaid, both under this state and the United States, shall be affected by this act, if within fifteen days after the same shall become part of the constitution, he shall resign his seat in congress, or his office held under the United States.—Passed 1791, ch. 80—confirmed 1792, ch. 22.

III. That every person being a member of either of the religious sects or societies called Quakers, Menonists, Tunkers, or Nicolites, or new Quakers, and who shall be conscientiously scrupulous of taking an oath on any occasion, being otherwise qualified and duly elected a senator, delegate or elector of the senate, or being otherwise qualified and duly appointed or elected to any office of profit or trust, on making affirmation, instead of taking the several oaths appointed by the constitution and form of government, and the several acts of assembly of this state now in force, or that hereafter may be made, such person may hold and exercise any office of profit or trust to which he may be appointed or elected, and may, by such affirmation, qualify himself to take a seat in the legislature, and to act therein as a member of the same in all cases whatever, or to be an elector of the senate, in as full and ample a manner, to all intents and purposes whatever, as persons are now competent and qualified to act who are not conscientiously scrupulous of taking such oaths—Passed 1794, ch. 49, confirmed 1795, ch. 11.

IV. *That the mayor and second branch of the city council of the city of Baltimore, or any three or more of them, for the time being, shall be judges of the elections for delegates of the city of Baltimore, and for elector of the senate, and shall have and exercise all the rights and authorities respecting such elections which were vested in the commissioners of Baltimore-town, in virtue of the constitution and form of government.*—Passed 1797, ch. 57—confirmed 1798, ch. 2.

V. That the people called Quakers, those called Nicolites or new Quakers, those called Tunkers, and those called Menonists, holding it unlawful to take an oath on any occasion, shall be allowed to make their solemn affirmation as witnesses in the manner that Quakers have been heretofore allowed to affirm, which affirmation shall be of the same avail as an oath, to all intents and purposes whatever.

2. Before any of the persons aforesaid shall be admitted as a witness in any court of justice in this state, the court shall be satisfied, by such testimony as they may require, that such person is one of those who profess to be conscientiously scrupulous of taking an oath.—Passed 1797, ch. 118—confirmed 1798, ch. 83.

VI. That the several counties of this state, for the purpose of holding all future elections for delegates, electors of the senate, and sheriffs of the several counties, shall be divided into separate districts in the manner hereinafter directed, viz. Saint Mary's county, shall be divided and laid off into *three* separate districts; Kent county shall be divided and laid off into three separate districts; Calvert county shall be divided and laid off into three separate districts; Charles county shall be divided and laid off into four separate districts; Talbot county shall be divided and laid off into four separate districts; Somerset county shall be divided and laid off into three separate districts; Dorchester county shall be divided and laid off into three separate districts; Cecil county shall be divided and laid off into four separate districts; Prince George's county shall be divided and laid off into five separate districts; Queen Anne's county shall be divided and laid off into three separate districts; Worcester county shall be divided and laid off into five separate districts; Frederick county shall be divided and laid off into *seven* separate districts; Harford county shall be divided and laid off into five separate districts; Caroline county shall be divided and laid off into three separate districts; Washington county shall be divided and laid off into five separate districts; Montgomery county shall be divided and laid off into five seperate districts; Allegbany county shall be divided and laid off into six separate districts; Anne Arundel county, including the city of Annapolis, shall be divided and laid off into five separate districts; Baltimore county, out of the limits of the city of Baltimore, shall be divided and laid off into seven districts; and that the city of Baltimore shall be laid off into eight districts.

2. All and every part of the constitution and form of government, relating to the judges, time, place, and manner of holding elections in the city of Baltimore, and all and every part of the second, third, fifth, fourteenth and forty-second sections of the constitution and form of government of this state, which relate to the judges, place, time, and manner of holding the several elections for delegates, electors of the senate, and the sheriffs of the several counties, be and the same are hereby abrogated, repealed and annulled, and the same shall hereafter be regulated by law.—Passed 1798, ch. 115, confirmed 1799, ch. 48.

VII. *That every free white male citizen of this state, and no other, above 21 years of age, having resided twelve months in the county next preceding the election at which he offers to vote, and every free white male citizen of this state above 21 years of age, and having obtained a residence of twelve months next preceding the election in the city of Baltimore, or the city of Annapolis, and at which he offers to vote, shall have a right of suffrage, and shall vote, by ballot, in the election of such county or city, or either of them, for delegates to the general assembly, electors of the senate, and sheriffs*—Passed 1801, ch. 90, confirmed 1802, ch. 20.

VIII. That Frederick county shall be divided and laid off into nine separate districts.—Passed 1802, ch. 82, confirmed 1803, ch. 19.

IX. That this state shall be divided into six judical districts, in manner and form following, to wit: Saint Mary's, Charles, and Prince George's counties, shall be the first district; Cecil, Kent, Queen Anne's and Talbot counties, shall be the second district; Calvert, Anne Arundel and Montgomery counties, shall be the third district; Caroline, Dorchester, Somerset and Worcester counties, shall be the fourth district; Frederick, Washington and Alleghany counties, shall be the fifth district; Baltimore and Harford counties, shall be the sixth district; and there shall be appointed for each of the said judicial districts, three persons of integrity and sound legal knowledge, residents of the state of Maryland, who shall, previous to, and during their acting as judges, reside in the district for which they shall respectively be appointed, one of whom shall be styled in the commission chief judge, and the other two associate judges of the district for which they shall be appointed; and the chief judge, together with the two associate judges, shall compose the county courts in each respective district; and each judge shall hold his commission during good behavior, removable for misbehaviour on conviction in a court of law, or shall be removed by the governor, upon the address of the general assembly, provided that two thirds of all the members of each house concur in such address; and the county courts, so as aforesaid established, shall have, hold and exercise, in the several counties of this state, all and every the powers, authorities, and jurisdictions which the county courts of this state now have, use, and exercise, and which shall be hereafter prescribed by law; and the said county courts established by this act, shall respectively hold their sessions in the several counties at such times and places as the legislature shall direct and appoint, and the salaries of the said judges shall not be diminished during the period of their continuance in office.

2. In any suit or action at law hereafter to be commenced or instituted in any county court of this state, the judges thereof, upon suggestion in writing, by either of the parties thereto, supported by affidavit, or other proper evidence, that a fair and impartial trial cannot be had in the county court of the county where such suit or action is depending, shall and may order and direct the record of their proceedings in such suit or action to be transmitted to the judges of any county court within the district for trial, and the judges of such county court, to whom the said record shall be transmitted, shall hear and determine the same in like manner as if such suit or action had been originally instituted therein; provided nevertheless, that such suggestion shall be made as aforesaid before or during the term in which the issue or issues may be joined in said suit or action; and provided also, that such further remedy may be provided by law in the premises, as the legislature shall from time to time direct and enact.

3. If any party presented or indicted in any of the county courts of this state, shall suggest, in writing, to the court in which such prosecution is depending, that a fair and impartial trial cannot be

had in such court, it shall and may be lawful for the said court to order and direct the record of their proceedings in the said prosecution to be transmitted to the judges of any adjoining county court for trial, and the judges of such adjoining county court shall hear and determine the same in the same manner as if such prosecution had been originally instituted therein; provided, that such further and other remedy may be provided by law, in the premises, as the legislature may direct and enact.

4. If the attorney general, or the prosecutor for the state, shall suggest, in writing, to any county court before whom an indictment is or may be depending, that the state cannot have a fair and impartial trial in such court, it shall and may be lawful for the said court, in their discretion, to order and direct the record of their proceedings in the said prosecution to be transmitted to the judges of any adjoining county court for trial, and the judges of such county court shall hear and determine the same as if such prosecution had been originally instituted therein.

5. There shall be a court of appeals, and the same shall be composed of the chief judges of the several judicial districts of the state, which said court of appeals shall hold, use and exercise, all and singular the powers, authorities and jurisdictions, heretofore held, used and exercised, by the court of appeals of this state, and also the appellate jurisdiction heretofore used and exercised by the general court; and the said court of appeals hereby established, shall sit on the western and eastern shores for transacting and determining the business of the respective shores, at such times and places as the future legislature of this state shall direct and appoint; and any three of the said judges of the court of appeals shall form a quorum to hear and decide in all cases pending in said court; and the judge who has given a decision in any case in the county court shall withdraw from the bench upon the deciding of the same case before the court of appeals; and the judges of the court of appeals may appoint the clerks of said court for the western and eastern shores respectively, who shall hold their appointments during good behaviour, removable only for misbehaviour on conviction in a court of law; and in case of death, resignation, disqualification, or removal out of the state or from their respective shores, of either of the said clerks in the vacation of the said court, the governor, with the advice of the council, may appoint and commission a fit and proper person to such vacant office, to hold the same until the next meeting of the said court; and all laws passed after this act shall take effect, shall be recorded in the office of the court of appeals of the western shore—Passed 1804, ch. 55, confirmed 1805, ch. 16.

X. That Saint Mary's county shall be divided into four separate districts, and that the additional district shall be laid off adjoining and between the first and third districts, as they are now numbered—Passed 1806, ch. 29, confirmed 1807, ch. 8.

XI. Upon the death, resignation, or removal out of this state, of the governor, it shall not be necessary to call a meeting of the legislature to fill the vacancy occasioned thereby, but the first named of the council for the time being, shall qualify and act as governor, until the next meeting of the general assembly; at which meeting a governor shall be chosen in the manner heretofore appointed and directed.

2. No governor shall be capable of holding any other office of profit during the time for which he shall be elected.—Passed June 1809, ch. 16, confirmed November, 1809, ch. 11.

XII. That all such parts of the constitution and form of government, as require a property qualification in persons to be appointed or holding offices of profit or trust in this state, and in persons elected members of the legislature or electors of the senate, shall be, and the same are hereby repealed and abolished.—Passed November 1809, ch. 108, confirmed 1810, ch. 18.

XIII. That it shall not be lawful for the general assembly of this state to lay an equal and general tax, or any other tax, on the people of this state, for the support of any religion.—Passed November 1809, ch. 167, confirmed 1810, ch. 24.

XIV. That every free white male citizen of this state, above twenty-one years of age, and no other, having resided twelve months within this state, and six months in the county, or in the city of Annapolis or Baltimore, next preceding the election at which he offers to vote, shall have a right of suffrage, and shall vote, by ballot, in the election of such county or city, or either of them, for electors of the president and vice president of the United States, for representatives of this state in the congress of the United States, for delegates to the general assembly of this state, electors of the senate, and sheriffs.—Passed November 1809, ch. 83, confirmed 1810, ch. 33.

XV. That no person residing in the city of Annapolis, shall have a vote in the county of Anne-Arundel for delegates for the said county, and all and every part of the constitution which enables persons holding fifty acres of land to vote in said county, be and is hereby abolished.—Passed November 1809, ch. 38, confirmed 1810, ch. 49.

XVI. That the forty-fifth article of the constitution and form of government be, and the same is hereby repealed and utterly abolished.—Passed November 1809, ch. 65, confirmed 1810, ch. 78.

XVII. That the time of the meeting of the general assembly shall be on the first Monday in December in each year, instead of the first Monday in November, as *is now* prescribed by the constitution and form of government.

2. The governor of this state shall be chosen on the second Monday of December, in each and every year, in the same manner as is now prescribed by the constitution and form of government; and the council to the governor shall be elected on the first Tuesday after the second Monday of December, in each and every year, in the same manner as is now prescribed by the constitution and form of government.

3. All annual appointments of civil officers in this state, shall be made in the third week of December in every year, in the same manner as the constitution and form of government now directs. Passed 1811, ch. 211, confirmed November 1812, ch.

[This constitution has been collated with great care, by two distinguished legal characters. This procedure will appear to have been absolutely necessary to those who have *labored* to discover (from the multitude of alterations and amendments) what the constitution was——some parts of it being enveloped in great obscurity and doubt. The reader will be pleased to bear in mind that all the parts of the declaration of rights and form of government that are printed in *Italic*, are repealed or supplied. The following errors occurred in the 456th page, which was printed before the strict revision above alluded to was made——

ERRATA IN PAGE 456.

Sec. viii.—For court of judicature—*read*, court *or* judicature.
——ix. — place of the meeting—*read*, place *for* the meeting.
xii. — tax, fee or fees—*read*, tax, *burthen*, fee or fees, and without *the* consent of the legislature.
xiii. — imposed and laid—in the last line but one—*read*, imposed *or* laid.
xv. The words ex post facto, inserted in *italic*, are not to be considered as stricken out.
xx. — common court of law—read, *court of common law.*
xxvii. — militia—read, *military.*
xxx. The words, "and judges," and "the judges," printed in *italic*, should have been printed in Roman.
xxxii. — foreign state—*read*, foreign *prince or* state.

The greater part of these errors, except in an article of this kind, would be regarded as non-essentials; and all of them existed in the *supposed* correct copy we had.]

Constitution of Virginia.

The constitution, or form of government, agreed to and resolved upon by the delegates and representatives of the several counties and corporations of Virginia, in a general convention held at Williamsburgh, on the 6th of May, and continued by adjournments to the 5th of July, 1776.

WE, the delegates and representatives of the good people of Virginia, do declare the future form of government of Virginia, to be as followeth:—

The legislative, executive, and judiciary departments, shall be separate and distinct so that neither exercise the powers properly belonging to the other; nor shall any person exercise the powers of more than one of them at the same time, except that the justices of the county courts shall be eligible to either house of the assembly.

The legislative shall be formed of two distinct branches, who, together, shall be a complete legislature. They shall meet once, or oftener, every year, and shall be called *the general assembly of Virginia.* One of these shall be called *the house of delegates*, and consist of two representatives, to be chosen for each county, and for the district of West-Augusta, annually, of such men as actually reside in, and are freeholders of the same, or duly qualified, according to law, and also of one delegate or representative, to be chosen annually for the city of Williamsburgh, and one for the borough of Norfolk, and a representative for each of such other cities and boroughs, as may hereafter be allowed particular representation by the legislature; but when any city or borough shall so decrease, as that the number of persons, having right of suffrage therein shall have been, for the space of seven years successively, less than half the number of voters in some one county in Virginia, such city or borough thenceforward shall cease to send a delegate or representative to the assembly.

The other shall be called *the senate*, and consist of twenty-four members, of whom thirteen shall constitute a house to proceed on business; for whose election, the different counties shall be divided into twenty-four districts; and each county of the respective district, at the time of the election, of its delegates, shall vote for one senator, who is actually a resident and freeholder within the district, or duly qualified according to law, and is upwards of twenty-five years of age; and the sheriffs of each county, within five days at farthest, after the last county election in the district, shall meet at some convenient place, and from the poll so taken in their respective counties, return as a senator, the man who shall have the greatest number of votes in the whole district. To keep up this assembly by rotation, the districts shall be equally divided into four classes and numbered by lot. At the end of one year, after the general election, the six members elected by the first division, shall be displaced, and the vacancies thereby occasioned, supplied from such classes or division, by new election, in the manner aforesaid. This rotation shall be applied to each division, according to its number, and continued in due order annually.

The right of suffrage in the election of members for both houses, shall remain as exercised at present; and each house shall choose its own speaker, appoint its own officers, settle its own rules of proceeding, and direct writs of election, for the supplying intermediate vacancies.

All laws shall originate in the house of delegates, to be approved of or rejected by the senate, or to be amended, with consent of the house of delegates; except money bills, which in no instance shall be altered by the senate, but wholly approved or rejected.

A governor, or chief magistrate, shall be chosen annually by joint ballot of both houses (to be taken in each house respectively) deposited in the conference room; the boxes examined jointly by a committee of each house, and the numbers severally reported to them, that the appointments may be entered (which shall be the mode of taking the joint ballot of both houses in all cases) who shall not continue in that office longer than three years successively, nor be eligible, until the expiration of four years after he shall have been out of that office. An adequate, but moderate sa-

lary, shall be settled on him, during his continuance in office; and he shall, with the advice of a council of state, exercise the executive powers of government, according to the laws of this commonwealth; and shall not, under any pretence, exercise any power or prerogative, by virtue of any law, statute, or custom of England. But he shall, with the advice of the council of state, have the power of granting reprieves or pardons, except where the prosecution shall have been carried on by the house of delegates, or the law shall otherwise particularly direct; in which cases, no reprieve or pardon shall be granted, but by resolve of the house of delegates.

Either house of the general assembly may adjourn themselves respectively. The governor shall not prorogue or adjourn the assembly during their sitting, nor dissolve them at any time; but he shall, if necessary, either by advice of the council of state, or on application of a majority of the house of delegates, call them before the time to which they shall stand prorogued or adjourned.

A privy council, or council of state, consisting of eight members, shall be chosen by joint ballot of both houses of assembly, either from their own members or the people at large, to assist in the administration of government. They shall annually choose, out of their own members, a president, who, in case of death, inability, or absence of the governor from the government, shall act as lieutenant-governor. Four members shall be sufficient to act, and their advice and proceedings shall be entered on record, and signed by the members present (to any part whereof, any member may enter his dissent) to be laid before the general assembly, when called for by them. This council may appoint their own clerk, who shall have a salary settled by law, and take an oath of secrecy, in such matters as he shall be directed by the board to conceal. A sum of money, appropriated to that purpose, shall be divided annually among the members, in proportion to their attendance; and they shall be incapable, during their continuance in office, of sitting in either house of assembly. Two members shall be removed, by joint ballot of both houses of assembly, at the end of every three years, and be ineligible for the three next years. These vacancies, as well as those occasioned by death or incapacity, shall be supplied by new elections, in the same manner.

The delegates for Virginia to the continental congress shall be chosen annually, or superseded in the mean time, by joint ballot of both houses of assembly.

The present militia officers shall be continued, and vacancies supplied by appointment of the governor, with the advice of the privy council, on recommendations from the respective county courts; but the governor and council shall have a power of suspending any officer, and ordering a court martial, on complaint of misbehavior or inability, or to supply vacancies of officers, happening when in actual service.

The governor may embody the militia with the advice of the privy council; and when embodied, shall alone have the direction of the militia, under the laws of the country

The two houses of assembly shall, by joint ballot, appoint judges of the supreme court of appeals, and general court of judges in chancery, judges of admiralty, secretary, and the attorney-general, to be commissioned by the governor, and continue in office during good behaviour. In case of death, incapacity, or resignation, the governor with the advice of the privy council, shall appoint persons to succeed in office, to be approved or disapproved by both houses. These officers shall have fixed and adequate salaries, and, together with all others, holding lucrative offices, and all ministers of the gospel, of every denomination, be incapable of being elected members of either house of assembly or the privy council.

The governor with the advice of the privy council, shall appoint justices of the peace for the counties: and in case of vacancies, or a necessity of increasing the number hereafter, such appointments to be made upon the recommendation of the respective county courts. The present acting secretary in Virginia, and clerks of all the county courts, shall continue in office. In case of vacancies, either by death, incapacity, or resignation, a secretary shall be appointed, as before directed: and the clerks, by the respective courts. The present and future clerks shall hold their offices during good behavior, to be judged of, and determined in the general court. The sheriffs and coroners shall be nominated by the respective courts, approved by the governor, with the advice of the privy council, and commissioned by the governor. The justices shall appoint constables; and all fees of the aforesaid officers be regulated by law.

The governor, when he is out of office, and others, offending against the state, either by mal-administration, corruption, or other means, by which the safety of the state may be endangered, shall be impeachable by the house of delegates. Such impeachment to be prosecuted by the attorney-general, or such other person or persons as the house may appoint, in the general court, according to the laws of the land. If found guilty, he or they shall be either forever disabled to hold any office under government, or be removed from such office *pro tempore*, or subjected to such pains or penalties, as the laws shall direct.

If all or any of the judges of the general court should, on good grounds (to be judged of by the house of delegates) be accused of any of the crimes or offences abovementioned, such house of delegates may in like manner, impeach the judge or judges so accused, to be prosecuted in the court of appeals; and he or they, if found guilty, shall be punished in the same manner as is prescribed in the preceding clause.

Commissions and grants shall run "*In the name of the commonwealth of Virginia*," and bear test by the governor, with the seal of the commonwealth annexed. Writs shall run in the same manner, and bear test by the clerks of the several courts. Indictments shall conclude, "*against the peace and dignity of the commonwealth*."

A treasurer shall be appointed annually, by joint ballot of both houses.

All escheats, penalties, and forfeitures, heretofore going to the king, shall go to the commonwealth, save only such as the legislature may abolish, or otherwise provide for.

The territories, contained within the charters, erecting the colonies of Maryland, Pennsylvania, North and South-Carolina, are hereby ceded, released, and forever confirmed to the people of those colonies respectively, with all the rights of property, jurisdiction, and government, and all other rights whatsoever, which might, at any time heretofore, have been claimed by Virginia, except the free navigation and use of the rivers Potomac and Pokomoke, with the property of the Virginia shores and strands, bordering on either of the said rivers, and all improvements, which have been, or shall be made thereon. The western and northern extent of Virginia shall, in all other respects, stand, as fixed by the charter of king James I. in the year one thousand six hundred and nine, and by the public treaty of peace, between the courts of Britain and France in the year one thousand seven hundred and sixty-three; unless by act of this legislature, one or more governments be established westward of the Alleghany mountains. And no purchase of lands shall be made of the Indian natives, but on behalf of the public, by authority of the general assembly.

Constitution of North-Carolina.

The Constitution or form of Government, agreed to and resolved upon by the Representatives of the freemen of the state of North Carolina, elected and chosen for that particular purpose, in congress assembled, at Halifax, December 18, 1776.

A DECLARATION OF RIGHTS, &c.

I. That all political power is vested in, and derived from the people only.

II. That the people of this state ought to have the sole and exclusive right of regulating the internal government and police thereof.

III. That no man, or set of men, are entitled to exclusive or separate emoluments or privileges from the community, but in consideration of public services.

IV. That the legislative, executive and supreme judicial powers of government, ought to be forever separate and distinct from each other.

V. That all powers of suspending laws, or the execution of laws, by any authority, without consent of the representatives of the people, is injurious to their rights and ought not to be exercised.

VI. That elections of members, to serve as representatives in general assembly, ought to be free.

VII. That in all criminal prosecutions, every man has a right to be informed of the accusation against him, and to confront the accusers and witnesses with other testimony, and shall not be compelled to give evidence against himself.

VIII. That no freeman shall be put to answer any criminal charge, but by indictment, presentment or impeachment.

IX. That no freeman shall be convicted of any crime but by the unanimous verdict of a jury of good and lawful men, in open court, as heretofore used.

X. That excessive bail should not be required, nor excessive fines imposed, nor cruel or unusual punishments inflicted.

XI. That general warrants, whereby an officer or messenger may be commanded to search suspected places, without evidence of the fact committed, or to seize any person or persons, not named, whose offences are not particularly described, and supported by evidence—are dangerous to liberty, and ought not to be granted.

XII. That no freeman ought to be taken, imprisoned, or disseized of his freehold, liberties, or privileges, or outlawed, or exiled, or in any manner destroyed, or deprived of his life, liberty, or property, but by the law of the land.

XIII. That every freeman restrained of his liberty, is entitled to a remedy, to inquire into the lawfulness thereof, and to remove the same, if unlawful; and that such remedy ought not to be denied or delayed.

XIV. That in all controversies at law, respecting property, the ancient mode of trial by jury, is one of the best securities of the rights of the people, and ought to remain sacred and inviolable.

XV. That the freedom of the press is one of the great bulwarks of liberty, and therefore ought never to be restrained.

XVI. That the people of this state ought not to be taxed, or made subject to the payment of any impost, or duty, without the consent of themselves, or their representatives in general assembly freely given.

XVII. That the people have a right to bear arms, for the defence of the state; and as standing armies in time of peace are dangerous to liberty, they ought not to be kept up; and that the military should be kept under strict subordination to, and governed by the civil power.

XVIII. That the people have a right to assemble together, to consult for the common good, to instruct their representatives, and to apply to the legislature for redress of grievances.

XIX. That all men have a natural and unalienable right to worship Almighty God, according to the dictates of their own consciences.

XX. That for redress of grievances, and for amending and strengthening the laws, elections ought to be often held.

XXI. That a frequent recurrence to fundamental principles is absolutely necessary to preserve the blessings of liberty.

XXII. That no hereditary emoluments, privileges, or honors ought to be granted or conferred in this state.

XXIII. That perpetuities and monopolies are contrary to the genius of a free state, and ought not to be allowed.

XXIV. That retrospective laws, punishing facts committed before the existence of such laws, and, by them only, declared criminal, are oppressive, unjust, and incompatible with liberty; wherefore no *ex post facto* law ought to be made.

XXV. The property of the soil, in a free government, being one of the essential rights of the collective body of the people, it is necessary, in order to avoid future disputes, that the limits of the state should be ascertained with precision: and as the former temporary line between North and South Carolina, was confirmed, and extended by commissioners, appointed by the legislatures of the two states, agreeable to the order of the late king George II. in council, that line, and that only, should be esteemed the southern boundary of this state—that is to say, beginning on the sea side, at a cedar stake, at or near the mouth of little river (being the southern extremity of Brunswick county) and running from thence a north-west course, through the boundary house, which stands in thirty-three degrees fifty-six minutes, to thirty-five degrees north latitude: and from thence a west course so far as is mentioned in the charter of king Charles II. to the late proprietors of Carolina. Therefore all the territory, seas, waters and harbors, with their appurtenances, lying between the line above described, and the southern line of the state of Virginia, which begins on the sea-shore, in thirty-six degrees thirty minutes north latitude, and from thence runs west, agreeable to the said charter of king Charles, are the right and property of the people of this state, to be held by them in sovereignty: any partial line, without the consent of the legislature of this state, at any time thereafter directed or laid out, in any wise notwithstanding: *provided always*, that this declaration of right shall not prejudice any nation or nations of Indians, from enjoying such hunting grounds as may have been, or hereafter shall be secured to them, by any former or future legislature of this state: *And provided also*, that it shall not be construed so as to prevent the establishment of one or more governments westward of this state, by consent of the legislature: *And provided further*, that nothing herein contained, shall affect the titles or possessions of individuals, holding or claiming under the laws heretofore in force, or grants heretofore made by the late king George II. or his predecessors, or the late lords proprietors, or any of them.

THE CONSTITUTION OR FORM OF GOVERNMENT, &c.

Whereas allegiance and protection are, in their nature, reciprocal, and the one should of right be refused, when the other is withdrawn:—

And whereas, George the third, king of Great Britain, and late sovereign of the British American colonies, hath not only withdrawn from them his protection, but by an act of the British legislature, declared the inhabitants of these states out of the protection of the British crown, and all their property found upon the high seas, liable to be seized and confiscated to the uses mentioned in the said act: and the said George the third, has also sent fleets and armies to prosecute a cruel war against them, for the purpose of reducing the inhabitants of the said colonies to a state of abject slavery; in consequence whereof, all government, under the said king, within the said colonies, hath ceased, and a total dissolution of government, in many of them, hath taken place.

And whereas, the continental congress, having considered the premises, and other previous violations of the rights of the good people of America, have therefore declared that the thirteen united colonies are, of right, wholly absolved from all allegiance to the British crown, or any other foreign jurisdiction whatsoever; and that the said colonies now are, and forever shall be, free and independent states—

Wherefore, in our present state, in order to prevent anarchy and confusion, it becomes necessary that government should be established in this state; therefore, We, the representatives of the freemen of North Carolina, chosen and assembled in congress, for the express purpose of framing a constitution, under the authority of the people, most conducive to their happiness and prosperity, do declare, that a government for this state shall be established, in manner and form following, to wit:

I. That the legislative authority shall be vested in two distinct branches, both dependent on the people, to wit—*a senate and house of commons*.

II. That the senate shall be composed of representatives, annually chosen by ballot, one for each county in the state.

III. That the house of commons shall be composed of representatives annually chosen by ballot, two for each county, and one for each of the towns of Edenton, Newbern, Wilmington, Salisbury, Hillsborough and Halifax.

IV. That the senate and house of commons assembled for the purpose of legislation shall be denominated the *general assembly*.

V. That each member of the senate shall have usually resided in the county in which he is chosen, for one year, immediately preceding his election, and for the same time shall have possessed, and continue to possess, in the county which he represents, not less than three hundred acres of land in fee.

VI. That each member of the house of commons shall have usually resided in the county in which he is chosen, for one year immediately preceding his election, and for six months shall have possessed, and continue to possess, in the county which he represents, not less than one hundred acres of land in fee, or for the term of his own life.

VII. That all freemen of the age of twenty-one years, who have been inhabitants of any one county within the state twelve months immediately preceding the day of any election, and possessed of a freehold within the same county, of fifty acres of land, for six months next before, and at the day of election, shall be entitled to vote for a member of the senate.

VIII. That all freemen of the age of twenty-one years, who have been inhabitants of any one county within the state, twelve months immediately preceding the day of any election, and shall have paid public taxes, shall be entitled to vote for members of the house of commons, for the county in which he resides.

IX. That all persons possessed of a freehold, in any town in this state, having a right of representation, and also all freemen, who have been inhabitants of any such town twelve months next before, and at the day of election, and shall have paid public taxes, shall be entitled to vote for a member to represent such town in the house of commons: Provided always, that this section shall not entitle any inhabitant of such town to vote for members of the house of commons for the county in which he may reside; nor any freeholder in such county, who resides without or beyond the limits of such town, to vote for a member for said town.

X. That the senate and house of commons, when met, shall each have power to choose a speaker, and other their officers; be judges of the qualifications and elections of their members; sit upon their own adjournments from day to day; and prepare bills to be passed into laws. The two houses shall direct writs of election, for supplying intermediate vacancies; and shall also jointly by ballot, adjourn themselves to any future day and place.

XI. That all bills shall be read three times in each house, before they pass into laws, and be signed by the speakers of both houses.

XII. That every person who shall be chosen a member of the senate or house of commons, or appointed to any office or place of trust, before taking his seat, or entering upon the execution of his office, shall take an oath to the state; and all officers shall also take an oath of office.

XIII. That the general assembly shall, by joint ballot of both houses appoint judges of the supreme courts of law and equity, judges of admiralty, and attorney-general, who shall be commissioned by the governor and hold their offices during good behavior.

XIV. That the senate and house of commons, shall have power to appoint the generals and field officers of the militia, and all officers of the regular army of this state.

XV. That the senate and house of commons, jointly, at their first meeting after each annual election, shall, by ballot, elect a governor for one year, who shall not be eligible to that office, longer than three years, in six successive years. That no person, under thirty years of age, and who has not been a resident in this state above five years, and having, in the state, a freehold in lands and tenements, above the value of one thousand pounds, shall be eligible as a governor.

XVI. That the senate and house of commons, jointly, at their first meeting, after each annual election, shall, by ballot, elect seven persons to be a council of state for one year; who shall advise the governor in the execution of his office; and that four members shall be a quorum; their advice and proceedings shall be entered in a journal, to be kept for that purpose only, and signed by the members present: to any part of which any member present may enter his dissent. And such journal shall be laid before the general assembly when called for by them.

XVII. That there shall be a seal of this state, which shall be kept by the governor, and used by him, as occasion may require; and shall be called, *the great seal of the state of North Carolina*, and be affixed to all grants and commissions.

XVIII. The governor, for the time being, shall be captain-general and commander in chief of the militia; and, in the recess of the general assembly, shall have power, by and with the advice of the council of state to embody the militia, for the public safety.

XIX. The governor, for the time being, shall have power to draw for, and apply such sums of money, as shall be voted by the general assembly, for the contingencies of government, and be accountable to them for the same. He also may, by and with the advice of the council of state, lay embargoes, or prohibit the exportation of any commodity, for any term not exceeding thirty days, at any one time in the recess of the general assembly; and shall have the power of granting pardons and reprieves, except where the prosecution shall be carried on by the general assembly, or the law shall otherwise direct; in which case, he may, in the recess, grant a reprieve until the next sitting of the general assembly; and may exercise all the other executive powers of government, limitted and restrained, as by this constitution is mentioned, and according to the laws of the state. And on his death, inability, or absence from the state, the speaker of the senate, for the time being, and, in case of his death, inability, or absence from the state, the speaker of the house of commons shall exercise the powers of government, after such death, or during such absence or inability of the governor, or speaker of the senate, or until a new nomination is made by the general assembly.

XX. That in every case, where any officer, the right of whose appointment is, by this constitution, vested in the general assembly, shall, during their recess, die, or his office by other means become vacant, the governor shall have power, with the advice of the council of state, to fill up such vacancy, by granting a temporary commission, which shall expire at the end of the next session of the general assembly.

XXI. That the governor, judges of the supreme court of law and equity, judges of admiralty, and attorney-general, shall have adequate salaries, during their continuance in office.

XXII. That the general assembly shall, by joint ballot of both houses, annually appoint a treasurer or treasurers, for this state.

XXIII. That the governor, and other officers, offending against the state, by violating any part of this constitution, mal-administration, or corruption, may be prosecuted, on the impeachment of the general assembly, or presentment of the grand jury of any court of supreme jurisdiction in this state.

XXIV. That the general assembly shall by joint ballot of both houses triennially appoint a secretary, for this state.

XXV. That no persons who heretofore have been, or hereafter may be, receivers of public monies, shall have a seat in either

house of general assembly, or be eligible to any office in this state until such person shall have fully accounted for, and paid into the treasury, all sums, for which they may be accountable and liable.

XXVI. That no treasurer shall have a seat, either in the senate house of commons, or council of state, during his continuance in that office, or before he shall have finally settled his accounts with the public, for all the monies which may be in his hands, at the expiration of his office, belonging to the state, and hath paid the same into the hands of the succeeding treasurer.

XXVII. That no officer in the regular army or navy, in the service and pay of the U. States, of this state or any other state, nor any contractor or agent for supplying such army or navy with clothing or provisions, shall have a seat either in the senate, house of commons, or council of state, or be eligible thereto; and any member of the senate, house of commons, or council of state, being appointed to, and accepting of such office, shall thereby vacate his seat.

XXVIII. That no member of the council of state shall have a seat either in the senate or house of commons.

XXIX. That no judge of the supreme court of law or equity, or judge of admiralty, shall have a seat in the senate, house of commons, or council of state.

XXX. That no secretary of this state, attorney general, or clerk of any court of record, shall have a seat in the senate, house of commons, or council of state.

XXXI. That no clergyman, or preacher of the gospel, of any denomination, shall be capable of being a member of either the senate, house of commons, or council of state, while he continues in the exercise of the pastoral function.

XXXII. That no person who shall deny the being of God, or the truth of the protestant religion, or the divine authority of either the old or new Testaments, or who shall hold religious principles incompatible with the freedom and safety of the state, shall be capable of holding any office, or place of trust or profit, in the civil department, within this state.

XXXIII. That the justices of the peace, within their respective counties in this state, shall in future be recommended to the governor for the time being, by the representatives in general assembly; and the governor shall commission them accordingly: and the justices when so commissioned, shall hold their offices during good behavior, and shall not be removed from office by the general assembly, unless for misbehavior, absence, or inability.

XXXIV. That there shall be no establishment of any one religious church or denomination in this state, in preference to any other; neither shall any person, on any pretence whatsoever, be compelled to attend any place of worship contrary to his own faith or judgment, nor be obliged to pay, for the purchase of any glebe, or the building of any house of worship, or for the maintenance of any minister or ministry, contrary to what he believes right, or has voluntarily and personally engaged to perform; but all persons shall be at liberty to exercise their own mode of worship: *Provided*, that nothing herein contained shall be construed to exempt preachers of treasonable or seditious discourses, from legal trial and punishment.

XXXV. That no person in the state shall hold more than one lucrative office at any one time: *Provided*, that no appointment in the militia, or the office of a justice of the peace, shall be considered as a lucrative office.

XXXVI. That all commissions and grants shall run in the name of the state of North-Carolina, and bear test, and be signed by the governor. All writs shall run in the same manner, and bear test, and be signed by the clerks of the respective courts. Indictments shall conclude, "*against the peace and dignity of the state.*"

XXXVII. That the delegates for this state, to the continental congress, while necessary, shall be chosen annually by the general assembly, by ballot; but may be superseded, in the mean time, in the same manner: and no person shall be elected to serve in that capacity, for more than three years successively.

XXXVIII. That there shall be a sheriff, coroner, or coroners, and constables in each county within this state.

XXXIX. That the person of a debtor, where there is not a strong presumption of fraud, shall not be continued in prison, after delivering up *bona fide*, all his estate real and personal, for the use of his creditors, in such manner as shall be hereafter regulated by law. All prisoners shall be bailable by sufficient sureties, unless for capital offences when the proof is evident, or the presumption great.

XL. That every foreigner who comes to settle in this state, having first taken an oath of allegiance to the same, may purchase, or, by other just means, acquire, hold, and transfer land, or other real estate; and after one year's residence, shall be deemed a free citizen.

XLI. That a school or schools shall be established by the legislature, for the convenient instruction of youth, with such salaries to the masters, paid by the public, as may enable them to instruct at low prices; and, all useful learning shall be duly encouraged and promoted, in one or more universities.

XLII. That no purchase of lands shall be made of the Indian natives, but on behalf of the public, by authority of the general assembly.

XLIII. That the future legislature of this state shall regulate entails, in such a manner as to prevent perpetuities.

XLIV. That the declaration of rights is hereby declared to be part of the constitution of this state, and ought never to be violated on any pretence whatsoever.

XLV. That any member of either house of general assembly, shall have liberty to dissent from and protest against any act or resolve, which he may think injurious to the public, or any individual, and have the reasons of his dissent entered on the journals.

XLVI. That neither house of the general assembly shall proceed upon public business, unless a majority of all the members of such house are actually present: and that, upon a motion made and seconded, the yeas and nays, upon any question, shall be taken and entered on the journals: and that the journals of the proceedings of both houses of the general assembly shall be printed, and made public, immediately after their adjournment.

This constitution is not intended to preclude the present congress from making a temporary provision, for the well ordering of this state, until the general assembly shall establish government, agreeable to the mode herein before described.

RICHARD CASWELL, *President.*

December the eighteenth, one thousand seven hundred and seventy-six, read the third time, and ratified in open congress.

By order,

JAMES GREEN, Jun. *Secretary.*

CONSTITUTION OF THE

STATE OF SOUTH-CAROLINA.

WE, the delegates of the people of the state of South Carolina in general convention met, do ordain and establish this constitution for its government.

ARTICLE I.

Sec. I. The legislative authority of this state shall be vested in a general assembly, which shall consist of a senate and house of representatives.

II. The house of representatives shall be composed of members chosen by ballot, every second year, by the citizens of this state, qualified, as in this constitution is provided.

III. The several election districts, in this state, shall elect the following number of representatives, viz.

Charleston, including St. Philip and St. Michael, fifteen members; Christ Church, three members; St. John, Berkely, three members; St. Andrew, three members; St. George, Dorchester, three members; St. James, Goose Creek, three members; St. Thomas and St. Dennis, three members; St. Paul, three members; St. Bartholomew, three members; St. James, Santee, three members; St. John, Colleton, three members; St. Stephen, three members; St. Helena, three members; St. Luke, three members; Prince William, three members; St. Peter, three members; All Saints, including its ancient boundaries, one member; Winyaw, not including any part of All Saints, three members; Kingston, not including any part of All Saints, two members; Williamsburgh, two members; Liberty, two members; Marlborough, two members; Chesterfield, two members; Darlington, two members; York, three members; Chester, two members; Fairfield, two members; Richland, two members; Lancaster, two members; Kershaw, two members; Claremont, two members; Clarendon, two members; Abbeville, three members; Edgefield, three members; Newbury, including the fork between Broad and Saluda rivers, three members; Laurens, three members; Union, two members; Spartan, two members; Greenville, two members; Pendleton, three members; St. Matthew, two members; Orange, two members; Winton, including the district between Savannah river and the north fork of Edisto, three members; Saxe Gotha, three members.

IV. Every free white man, of the age of twenty-one years, being a citizen of this state, and having resided therein two years, previous to the day of election, and who hath a freehold of fifty acres of land, or a town lot, of which he hath been legally seized and possessed, at least six months before such election, or, not having such freehold or town lot, hath been a resident in the election district, in which he offers to give his vote, six months before the said election, and hath paid a tax the preceding year of three shillings sterling, towards the support of this government, shall have a right to vote for a member or members, to serve in either branch of the legislature, for the election district in which he holds such property, or is so resident.

V. The returning officer, or any other person present, entitled to vote, may require any person who shall offer his vote at an election, to produce a certificate of his citizenship, and a receipt from the tax collector, of his having paid a tax, entitling him to vote, or to swear, or affirm, that he is duly qualified to vote agreeably to this constitution.

VI. No person shall be eligible to a seat in the house of representatives, unless he is a free white man, of the age of twenty-one years, and hath been a citizen and resident in this state, three years previous to his election. If a resident in the election district, he shall not be eligible to a seat in the house of representatives unless he be legally seized and possessed, in his own rights, of a settled freehold estate of five hundred acres of land, and ten negroes; or of a real estate, of the value of one hundred and fifty pounds sterling, clear of debt. If a non-resident, he shall be legally seized and possessed of a settled freehold estate therein, of the value of five hundred pounds sterling, clear of debt.

VII. The senate shall be composed of members to be chosen for four years, in the following proportions, by the citizens of this state, qualified to elect members to the house of representatives, at the same time, in the same manner, and at the same places, where they shall vote for representatives, viz.

Charleston, including St. Philip and St. Michael, two members; Christ Church, one member; St. John, Berkley, one member; St. Andrew, one member; St. George, one member; St. James, Goose Creek, one member; St. Thomas and St. Dennis, one member; St. Paul, one member; St. Bartholomew, one member; St. James, Santee, one member; St. John, Colleton, one member; St. Stephen, one member; St. Helena, one member; St. Luke, one member; Prince William, one member; St. Peter, one member; All Saints, one member; Winyaw and Williamsburg, one member; Liberty and Kingston, one member; Marlborough, Chesterfield and Darlington, two members; York, one member; Fairfield, Richland and Chester, one member; Lancaster and Kershaw, one member; Claremont and Clarendon, one member; Abbeville, one

member; Edgefield, one member; Newbury, including the fork between Broad and Saluda rivers, one member; Laurens, one member; Union, one member; Spartan, one member; Greenville, one member; Pendleton, one member; St. Matthew and Orange, one member; Winton, including the district between Savannah river, and the north fork of Edisto, one member; Saxe Gotha, one member.

VIII. No person shall be eligible to a seat in the senate, unless he is a free white man, of the age of thirty years, and hath been a citizen and resident in this state five years previous to his election. If a resident in the election district, he shall not be eligible unless he be legally seized and possessed, in his own right, of a settled freehold estate of the value of three hundred pounds sterling, clear of debt. If a non-resident in the election district, he shall not be eligible unless he be legally seized and possessed, in his own right, of a settled freehold estate, in the said district, of the value of one thousand pounds sterling, clear of debt.

IX. Immediately after the senators shall be assembled, in consequence of the first election they shall be divided by lot into two classes. The seats of the senators of the first class shall be vacated at the expiration of the second year, and of the second class at the expiration of the fourth year; so that one half thereof, as near as possible, may be chosen, forever thereafter, every second year, for the term of four years.

X. Senators, and members of the house of representatives, shall be chosen on the second Monday in October next, and the day following; and on the same days in every second year thereafter, in such manner, and at such times, as are herein directed:—and shall meet on the fourth Monday in November annually, at Columbia, (which shall remain the seat of government until otherwise determined, by the concurrence of two-thirds of both branches of the whole representation) unless the casualties of war, or contagious disorders, should render it unsafe to meet there; in either of which cases, the governor or commander in chief for the time being, may by proclamation, appoint a more secure and convenient place of meeting.

XI. Each house shall judge of the elections, returns and qualifications of its own members; and a majority of each house shall constitute a quorum to do business: but a smaller number may adjourn from day to day, and may be authorised to compel the attendance of absent members in such manner and under such penalties as may be provided by law.

XII. Each house shall choose by ballot its own officers, determine its rules of proceeding, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member, but not a second time for the same cause.

XIII. Each house may punish, by imprisonment, during sitting, any person not a member, who shall be guilty of disrespect to the house, by any disorderly or contemptuous behavior in its presence—or who, during the time of its sitting, shall threaten harm, to the body or estate of any member, for any thing said or done in either house; or who shall assault any of them therefor; or who shall assault or arrest any witness or other person ordered to attend the house, in his going to, or returning therefrom; or who shall rescue any person arrested by order of the house.

XIV. The members of both houses shall be protected in their persons and estates during their attendance on, going to, and returning from the legislature, and ten days previous to their sitting, and ten days after the adjournment of the legislature. But these privileges shall not be extended so as to protect any member who shall be charged with treason, felony, or breach of the peace.

XV. Bills for raising a revenue shall originate in the house of representatives, but may be altered, amended or rejected by the senate.

All other bills may originate in either house, and may be amended, altered or rejected by the other.

XVI. No bill or ordinance shall have the force of law, until it shall have been read three times, and on three several days, in each house, has had the great seal affixed to it, and has been signed in the senate-house, by the president of the senate and speaker of the house of representatives.

XVII. No money shall be drawn out of the public treasury but by the legislative authority of the state.

XVIII. The members of the legislature, who shall assemble under this constitution, shall be entitled to receive out of the public treasury, as a compensation for their expenses, a sum not exceeding seven shillings sterling a day, during their attendance on, going to and returning from the legislature; but the same may be increased or diminished by law, if circumstances shall require: but no alterations shall be made by any legislature, to take effect during the existence of the legislature which shall make such alteration.

XIX. Neither house shall, during their session, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

XX. No bill or ordinance which shall have been rejected by either house, shall be brought in again during the sitting, without leave of the house, and notice of six days being previously given.

XXI. No person shall be eligible to a seat in the legislature whilst he holds any office of profit or trust under this state, the United States, or either of them, or under any other power—except officers in the militia, army or navy of this state, justices of the peace, or justices of the county courts, while they receive no salaries; nor shall any contractor of the army or navy of this state, the United States, or either of them, or the agents of such contractor, be eligible to a seat in either house. And if any member shall accept or exercise any of the said disqualifying offices, he shall vacate his seat.

XXII. If any election district shall neglect to choose a member or members on the days of election, or if any person chosen a member of either house shall refuse to qualify and take his seat, or should die, depart the state, or accept of any disqualifying office; a writ of election shall be issued by the president of the senate, or speaker of the house of representatives, as the case may be, for the purpose of filling up the vacancy thereby occasioned, for the remainder of the term for which the person so refusing to qualify, dying, departing the state, or accepting a disqualifying office, was elected to serve.

XXIII. And whereas, the ministers of the gospel are, by their profession, dedicated to the service of God and the care of souls, and ought not to be diverted from the great duty of their functions, therefore, no minister of the gospel or public preacher, of any religious persuasion, whilst he continues in the exercise of his pastoral functions, shall be eligible to the office of governor, lieutenant governor, or a seat in the senate or house of representatives.

ARTICLE II.

I. The executive authority of this state shall be invested in a governor, to be chosen in manner following: as soon as may be after the first meeting of the senate and house of representatives, and at every first meeting of the house of representatives thereafter, when a majority of both houses shall be present, the senate and house of representatives shall, jointly, in the house of representatives, choose by ballot, a governor to continue for two years, and until a new election shall be made.

II. No person shall be eligible to the office of governor, unless he hath attained to the age of thirty years and hath resided within this state, and been a citizen thereof, ten years, and unless he be seized and possessed of a settled estate within the same, in his own right, of the value of fifteen hundred pounds sterling, clear of debt.

No person, having served two years as governor, shall be eligible to that office, till after the expiration of four years.

No person shall hold the office of governor, and any other office, or commission, civil or military, except in the militia, either in this state, or under any state, or the United States, or any other power, at one and the same time.

III. A lieutenant-governor shall be chosen, at the same time, in the same manner, continue in office for the same period, and be possessed of the same qualifications as the governor.

IV. A member of the senate or house of representatives, being chosen, and acting as governor or lieutenant-governor, shall vacate his seat, and another person shall be elected in his stead.

V. In case of the impeachment of the governor or his removal from office, death, resignation, or absence from the state, the lieutenant-governor shall succeed to his office. And in case of the impeachment of the lieutenant governor, or his removal from office, death, or resignation, or absence from the state, the president of the senate shall succeed to his office, till a nomination to those offices respectively shall be made by the senate and house of representatives, for the remainder of the time which the officer so impeached, removed from office, dying, resigning, or being absent, was elected.

VI. The governor shall be commander in chief of the army and navy of this state, and of the militia, except when they shall be called into the actual service of the United States.

VII. He shall have power to grant reprieves and pardons, after conviction, except in cases of impeachment, in such manner, on such terms, and under such restrictions as he shall think proper; and he shall have power to remit fines and forfeitures, unless otherwise directed by law.

VIII. He shall take care that the laws be faithfully executed in mercy.

IX. He shall have power to prohibit the exportation of provision, for any time not exceeding thirty days.

X. He shall at stated times, receive, for his services, a compensation, which shall neither be increased or diminished during the period for which he shall have been elected.

XI. All officers in the executive department, when required by the governor, shall give him information in writing, upon any subject relating to the duties of their respective offices.

XII. The governor shall, from time to time, give, to the general assembly information of the condition of the state, and recommend to their consideration such measures as he shall judge necessary or expedient.

XIII. He may, on extraordinary occasions, convene the general assembly, and in case of disagreement between the two houses with respect to the time of adournment, adjourn them to such time as he shall think proper, not beyond the fourth Monday in the month of November then ensuing.

ARTICLE III.

I. The judicial power shall be vested in such superior and inferior courts of law and equity, as the legislature shall, from time to time, direct and establish.

The judges of each shall hold their commissions during good behavior; and judges of the superior courts shall, at stated times, receive a compensation for their services, which shall neither be increased or diminished during their continuance in office; but they shall receive no fees or perquisites of office, nor hold any other office of profit or trust, under this state, the United States, or any other power.

II. The style of all processes shall be, "the state of South Carolina." All prosecutions shall be carried on in the name, and by the authority of the state of South Carolina, and conclude —"against the peace and dignity of the same."

ARTICLE IV.

All persons who shall be chosen or appointed to any office of profit or trust, before entering on the execution thereof, shall take the following oath, "I do swear [or affirm] that I am duly qualified, according to the constitution of this state, to exercise the office to which I have been appointed, and will, to the best of my abilities, discharge the duties thereof, and preserve, protect and defend the constitution of this state, and of the United States.

ARTICLE V.

I. The house of representatives shall have the sole power of impeaching; but no impeachment shall be made, unless with the concurrence of two-thirds of the house of representatives.

II. All impeachments shall be tried by the senate. When sitting for that purpose, the senators shall be on oath or affirmation: and no person shall be convicted without the concurrence of two-thirds of the members present.

III. The governor, lieutenant-governor, and all the civil officers, shall be liable to impeachment, for any misdemeanor in office; but judgment in such cases, shall not extend further than to a removal from office, and disqualification to hold any office of honor, trust, or profit, under this state. The party convicted shall nevertheless be liable to indictment, trial, judgment, and punishment according to law.

ARTICLE VI.

I. The judges of the superior courts, commissioners of the treasury, secretary of the state, and surveyor-general, shall be elected by the joint ballot of both houses, in the house of representatives. The commissioners of the treasury, secretary of this state, and surveyor-general, shall hold their offices for four years, after the expiration of the time for which they shall have been elected.

II. All other officers shall be appointed as they hitherto have been, until otherwise directed by law; but sheriffs shall hold their offices for four years, and not be again eligible for four years after the term for which they shall have been elected.

III. All commissions shall be in the name and by the authority of the state of South Carolina, and be sealed with the seal of the state, and be signed by the governor.

ARTICLE VII.

All laws of force in this state, at the passing of this constitution, shall so continue, until altered or repealed by the legislature, except where they are temporary, in which case they shall expire at the times respectively limited for their duration, if not continued by act of the legislature.

ARTICLE VIII.

I. The free exercise and enjoyment of religious profession and worship without discrimination or preference, shall forever hereafter, be allowed within this state to all mankind; provided that the liberty of conscience thereby declared, shall not be so construed as to excuse acts of licentiousness, or justify practices inconsistent with the peace or safety of this state.

II. The rights, privileges, immunities, and estates of both civil and religious societies, and of corporate bodies, shall remain as if the constitution of this state had not been altered or amended.

ARTICLE IX.

I. All power is originally vested in the people; and all free governments are founded on their authority, and are instituted for their peace, safety, and happiness.

II. No freeman of this state, shall be taken or imprisoned, or dissaized of his freehold, liberties, or privileges, or outlawed, or exiled, or in any manner destroyed, or deprived of his life, liberty or property, but by the judgment of his peers, or by the law of the land; nor shall any bill of attainder, ex post facto law, or law impairing the obligation of contracts, ever be passed by the legislature of this state.

III. The military shall be subordinate to the civil power.

IV. Excessive bail shall not be required, nor excessive fines imposed, nor cruel punishments inflicted.

V. The legislature shall not grant any title of nobility or hereditary distinction, nor create any office, the appointment to which shall be for any longer time than during good behavior.

VI. The trial by jury, as heretofore used in this state, and the liberty of the press, shall be forever inviolably preserved.

ARTICLE X.

I. The business of the treasury shall be, in future, conducted by two treasurers, one of whom shall hold his office and reside in Columbia; the other shall hold his office and reside in Charleston.

II. The secretary of state and surveyor-general shall hold their offices both in Columbia and in Charleston. They shall reside at one place, and their deputies at the other.

III. At the conclusion of the circuits, the judges shall meet and sit at Columbia, for the purpose of hearing and determining all motions which may be made for new trials, and in arrest of judgments, and such points of law as may be submitted to them. From Columbia they shall proceed to Charleston, and there hear and determine all such motions for new trials and in arrest of judgment, and such points of law as may be submitted to them.

IV. The governor shall all always reside, during the sitting of the legislature, at the place where their sessions may be held, and at all other times wherever, in his opinion, the public good may require.

V. The legislature shall, as soon as may be convenient, pass laws for the abolition of the rights of primogeniture and for giving an equitable distribution of the real estate of intestates.

ARTICLE XI.

No convention of the people shall be called, unless by the concurrence of two-thirds of both branches of the whole representation.

No part of this constitution shall be altered unless a bill to alter the same shall have been read three times in the house of representatives, and three times in the senate, and agreed to by two-thirds of both branches of the whole representation; neither shall any alteration take place until the bill so agreed to, be published three months previous to a new election for members to the house of representatives; and if the alteration proposed by the legislature, shall be agreed to, in their first session, by two thirds of the whole representation in both branches of the legislature, after the same shall have been read three times, on three several days in each house, then, and not otherwise, the same shall become a part of the constitution.

Done in convention at Columbia, in the state of South-Carolina, the third day of June, in the year of our Lord, 1790, and in the fourteenth year of the independence of the United States of America.

By the unanimous order of the Convention,

CHARLES PINCKNEY, President.

A BILL

To alter the fourth section of the first article of the constitution of the state of South-Carolina.

Be it enacted by the honorable the senate and house of representatives, now met and sitting in general assembly, and by the authority of the same, That the fourth section of the first article of the constitution of this state, be altered and amended to read as follows: Every free white man of the age of twenty-one years, paupers, and non-commissioned officers, and private soldiers of the army of the United States, excepted, being a citizen of this state, and having resided therein two years previous to the day of election, and who hath a freehold of fifty acres of land or a town lot, of which he hath been legally seized and possessed, at least six months before such election, or not having such freehold or town lot, hath been a resident in the election district in which he offers to give his vote, six months before the said election, shall have a right to vote for a member or members to serve in either branch of the legislature, for the election district in which he holds such property, or is so resident.

Constitution of Georgia.

The Constitution of the State of Georgia, as revised, amended, and compiled, by the Convention of the State, at Louisville, on the 30th day of May, 1798.

ARTICLE I.—SECTION I.

The legislative, executive, and judiciary departments of government shall be distinct, and each department shall be confided to a separate body of magistracy; and no person, or collection of persons, being of one of those departments, shall exercise any power properly attached to either of the others, except in the instances herein expressly permitted.

Sec. 2. The legislative power shall be vested in two separate and distinct branches, to wit: a senate and house of representatives, to be styled "*The General Assembly.*"

Sec. 3. The Senate shall be elected annually, on the first Monday in November, until such day of election be altered by law; and shall be composed of one member from each county, to be chosen by the electors thereof.

Sec. 4. No person shall be a senator, who shall not have attained to the age of twenty-five years, and have been nine years a citizen of the United States and three years an inhabitant of this state, and shall have usually resided within the county for which he shall be returned, at least one year immediately preceding his election (except persons who may have been absent on public business of this state, or of the United States) and is and shall have been possessed, in his own right, of a settled freehold estate of the value of five hundred dollars, or of taxable property to the amount of one thousand dollars, within the county, for one year preceding his election; and whose estate shall, on a reasonable estimation, be fully competent to the discharge of his just debts, over and above that sum.

Sec. 5. The senate shall elect, by ballot, a president out of their own body.

Sec. 6. The senate shall have the sole power to try all impeachments:—when sitting for that purpose they shall be on oath or affirmation; and no person shall be convicted, without the concurrence of two-thirds of the members present:—Judgment, in cases of impeachment, shall not extend further than removal from office and disqualification to hold and enjoy any office of honor, trust, or profit, within this state; but the party convicted shall, nevertheless, be subject to indictment, trial, judgment, and punishment, according to law.

Sec. 7. The house of representatives shall be composed of members from all the counties which now are, or hereafter may be, included within this state, according to their respective numbers of free white persons, and including three-fifths of all the people of color: The actual enumeration shall be made within two years, and within every subsequent term of seven years thereafter, at such time, and in such manner, as this convention may direct: Each county containing three thousand persons agreeably to the foregoing plan of enumeration, shall be entitled to two members; seven thousand to three members; and twelve thousand to four members; but each county shall have at least one and not more than four members; the representatives shall be chosen annually, on the first Monday in November, until such day of election be altered by law. Until the aforesaid enumeration shall be made, the several counties shall be entitled to the following number of representatives respectively:—Camden two; Glynn two; Liberty three; M'Intosh two; Bryan one; Chatham four; Effingham two; Scriven two; Montgomery two; Burke three; Bullock one; Jefferson three; Lincoln two; Elbert three; Jackson two; Richmond three; Wilkes four; Columbia three; Warren three; Washington three; Hancock four; Green three; Oglethorpe three; and Franklin two.

Sec. 8. No person shall be a representative who shall not have attained to the age of twenty-one years, and have been seven years a citizen of the United States, three years an inhabitant of this state, and have usually resided in the county in which he shall be chosen, one year immediately preceding his election, (unless he shall have been absent on public business of this state, or of the Unit-

ed States) and shall be possessed, in his own right, of a settled free hold estate of the value of two hundred and fifty dollars, or of taxable property to the amount of five hundred dollars, within the county, for one year preceding his election; and whose estate shall, on a reasonable estimation, be competent to the discharge of his just debts, over and above that sum.

Sec. 9. The house of representatives shall choose their speaker and other officers.

Sec. 10. They shall have solely the power to impeach all persons who have been or may be in office.

Sec. 11. No person holding any military commission or other appointment, having any emolument or compensation annexed thereto, under this state or the United States, or either of them, except justices of the inferior court, justices of the peace, and officers of the militia, nor any person who has had charge of public monies belonging to the state, unaccounted for, and unpaid, or who has not paid all legal taxes or contributions to the government, required of him, shall have a seat in either branch of the general assembly; nor shall any senator or representative be elected to any office or appointment by the legislature, having any emoluments or compensation annexed thereto, during the time for which he shall have been elected, with the above exceptions, unless he shall decline accepting his seat, by notice to the executive, within twenty days after he shall have been elected; nor shall any member, after having taken his seat, be eligible to any of the aforesaid offices or appointments during the time for which he shall have been elected.

Sec. 12. The meeting of the general assembly shall be annually, on the second Tuesday in January, until such day of meeting be altered by law; a majority of each branch shall be authorised to proceed to business; but a smaller number may adjourn from day to day, and compel the attendance of their members in such manner as each house may prescribe.

Sec. 13. Each house shall be the judges of the elections, returns and qualifications of its own members with powers to expel or punish by censuring, fining and imprisoning, or either, for disorderly behavior, and may expel any person convicted of any felonious or infamous offence; each house may punish by imprisonment, during session, any person not a member, who shall be guilty of disrespect by any disorderly or contemptuous behavior in its presence, or who, during session, shall threaten harm to the body or estate of any member; for any thing said or done in either house, or who shall assault any of them therefor; or who shall assault or arrest any witness, in going to, or returning from, or who shall rescue any person arrested by order of either house.

Sec. 14. No senator or representative shall be liable to be arrested during his attendance on the general assembly, or for ten days previous to its sitting, or for ten days after the rising thereof, except for treason, felony, or breach of the peace; nor shall any member be liable to answer for any thing spoken in debate in either house, in any court or place elsewhere; but shall nevertheless be bound to answer for perjury, bribery or corruption.

Sec. 15. Each house shall keep a journal of its proceedings, and publish them immediately after their adjournment; and the yeas and nays of the members on any question, shall, at the desire of any two members, be entered on the journals.

Sec. 16. All bills for raising revenue or appropriating monies, shall originate in the house of representatives; but the senate shall propose or concur with amendments, as in other bills.

Sec. 17. Every bill shall be read three times and on three separate days, in each branch of the general assembly, before it shall pass, unless in cases of actual invasion or insurrection; nor shall any law or ordinance pass, containing any matter different from what is expressed in the title thereof; and all acts shall be signed by the president in the senate, and speaker in the house of representatives: No bill or ordinance which shall have been rejected by either house, shall be brought in again during the session, under the same or any other title, without the consent of two-thirds of each branch.

Sec. 18. Each senator and representative, before he be permitted to take his seat, shall take an oath or make affirmation, that he hath not practised any unlawful means, either directly or indirectly, to procure his election; and every person shall be disqualified from serving as a senator or representative, for the term for which he shall have been elected, who shall be convicted of having given or offered any bribe or treat, or canvassed for such election; and every candidate employing like means, and not elected, shall, on conviction, be ineligible to hold a seat in either house, or to hold any office of honor or profit for the term of one year, and to such other disabilities or penalties as may be prescribed by law.

Sec. 19. Every member of the senate or house of representatives, shall, before he takes his seat, take the following oath or affirmation, to wit—"I, A. B. do solemnly swear or affirm (as the case may be) that I have not obtained my election by bribery, treats, canvassing, or other undue or unlawful means, used by myself, or others, by my desire, or approbation, for that purpose; that I consider myself constitutionally qualified as a senator or representative; and that on all questions and measures which may come before me, I will give my vote and so conduct myself, as may, in my judgment, appear most conducive to the interest and prosperity of this state; and that I will bear true faith and allegiance to the same; and to the utmost of my power and ability observe, conform to, support and, and defend, the constitution thereof."

Sec. 20. No person, who hath been or may be convicted of felony, before any court of this state, or any of the United States, shall be eligible to any office or appointment of honor, profit or trust, within this state.

Sec. 21. Neither house, during the session of the general assembly, shall, without the consent of the other, adjourn for more than three days, nor to any other place, than that at which the two branches shall be sitting; and in case of disagreement between the senate and house of representatives, with respect to their adjournment, the governor may adjourn them.

Sec. 22. The general assembly shall have power to make all laws and ordinances, which they shall deem necessary and proper for the good of the state, which shall not be repugnant to this constitution.

Sec. 23. They shall have power to alter the boundaries of the present counties, and to lay off new ones, as well out of the counties already laid off as out of the other territory belonging to the state; but the property of the soil, in a free government, being one of the essential rights of a free people; it is necessary, in order to avoid disputes, that the limits of this state should be ascertained with precision and exactness; and this convention, composed of the immediate representatives of the people, chosen by them to assert their rights, to revise the powers given by them to the government, and from whose will all ruling authority of right flows, doth assert and declare, the boundaries of this state shall be as follows: That is to say, the limits, boundaries, jurisdictions, and authority of the state of Georgia, do, and did, and of right ought to extend from the sea or mouth of the river Savannah, along the northern branch or stream thereof, to the fork or confluence of the rivers now called Tugalo and Keowee, and from thence along the most northern branch or stream of the said river Tugalo, till it intersect the northern boundary line of South Carolina. If the said branch or stream of Tugalo extends so far north, reserving all the islands in the said river Savannah and Tugalo to Georgia: but if the head spring or source of any branch or stream of the said river Tugalo does not extend to the north boundary line of South Carolina, then a west line to the Mississippi, to be drawn from the head spring or source of the said branch or stream of Tugalo river, which extends to the highest northern latitude; thence down the middle of the said river Mississippi, until it shall intersect the northernmost part of the thirty-first degree of north latitude; south by a line drawn due east, from the termination of the line last mentioned, in the latitude of thirty-one degrees north of the equator, to the middle of the river Apalachicola, or Chattahoochee; thence along the middle thereof, to its junction with Flint river; thence straight to the head of St. Mary's river; and thence along the middle of St. Mary's river to the Atlantic ocean; and from thence to the mouth or inlet of Savannah river, the place of beginning. Including and comprehending all the lands and waters within the said limits, boundaries and jurisdictional rights, and also all the islands within twenty leagues of the sea coast. And this convention doth further declare and assert, that all the territory without the present temporary line and within the limits aforesaid, is now, of right, the property of the free citizens of this state, and held by them in sovereignty, inalienable but by their consent: *Provided nevertheless*, That nothing herein contained shall be construed, so as to prevent a sale to, or contract with the United States, by the legislature of this state, of and for all or any part of the western territory of this state, lying westward of the river Chatahoochee, on such terms as may beneficial to both parties; and may procure an extension of settlement, and extinguishment of Indian claims, in and to the vacant territory of this state, to the east and north of the said river Chattahoochee, to which the territory, such power of contract or sale, by the legislature, shall not extend: *And provided also*, The legislature may give its consent to the establishment of one or more governments westward thereof; but monopolies of land by individuals, being contrary to the spirit of our free government, no sale of territory of this state, or any part thereof, shall take place to individuals or private companies, unless a county or counties shall have been first laid off, including such territory, and the Indian rights shall have been extinguished thereto.

Sec. 24. The foregoing section of this article having declared the common rights of the free citizens of this state, in and to all the territory without the present temporary boundary line, and within the limits of this state thereby defined, by which the contemplated purchases of certain companies of a considerable portion thereof, are become constitutionally void; and justice, and good faith require, that the state should not detain a consideration for a contract, which has failed; the legislature, at their next session, shall make provision, by law, for returning to any person or persons, who has or have *bona fide* deposited monies for such purchases in the treasury of this state: *Provided*, That the same shall not have been drawn therefrom in terms of the act, passed the thirteenth day of February, one thousand seven hundred and ninety-six, commonly called the rescinding act, or the appropriation laws of the years one thousand seven hundred and ninety-six, and one thousand seven hundred and ninety-seven: nor shall the monies paid for such purchases ever be deemed a part of the funds of this state, or be liable to appropriation as such; but until such monies be drawn from the treasury, they shall be considered altogether at the risk of the persons who have deposited the same. No money shall be drawn out of the treasury, or from the public funds of this state, except by appropriation made by law: and a regular statement and account of the receipts and expenditures of all public monies, shall be published from time to time. No vote, resolution, law, or order, shall pass the general assembly, granting a donation or gratuity in favor of any person whatever, but by the concurrence of two-thirds of the general assembly.

Sec. 25. It shall be the duty of the justices of the inferior court, or any three of them, in each county respectively, within sixty days after the adjournment of this convention, to appoint one or more fit persons in each county, not exceeding one for each battalion district, whose duty it shall be to take a full and accurate census or enumeration, of all free white persons, and people of colour residing therein, distinguishing, in separate columns, the free white persons from persons of colour, and return the same to the clerks of the superior courts of the several counties, certified under their hands, on or before the first day of December next—the persons so appointed, being first severally sworn before the said justices, or either of them, duly and faithfully to perform the trust

reposed in them; and it shall be the duty of the said clerks, to transmit all such returns, under seal, directed to the speaker of the house of representatives, at the first session of the legislature thereafter.—And it shall be the duty of the general assembly, at their said first session, to apportion the members of the house of representatives among the several counties, agreeably to the plan prescribed by this constitution, and to provide an adequate compensation for the taking of the said census. Every person whose usual place of abode shall be in any family on the first Monday in July next, shall be returned as of such family, and every person, occasionally absent at the time of taking the enumeration, as belonging to that place in which he usually resides. The general assembly shall, by law, direct the manner of taking such census or enumeration, within every subsequent term of seven years, in conformity to this constitution. And it is declared to be the duty of all officers, civil and military, throughout this state, to be aiding and assisting in the true and faithful execution thereof. In case the justices of the inferior courts should fail to make such appointments, or if there should not be a sufficient number of such justices in any county, then the justices of the peace, or any three of them, shall have and exercise like powers and authority respecting the said census; and if the census or enumeration of any county shall not be so taken and returned, then, and in that case, the general assembly shall apportion the representation of such county, according to the best evidence in their power, relative to its population.

ARTICLE II.

Sec. 1. The executive power shall be vested in a governor, who shall hold his office during the term of two years, and until such time as a successor shall be chosen and qualified; he shall have a competent salary established by law, which shall not be increased or diminished during the period for which he shall have been elected; neither shall he receive, within that period, any other emolument from the United States, or either of them, or from any foreign power.

Sec. 2. The governor shall be elected by the general assembly, at their second annual session after the rising of this convention, and at every second annual session thereafter, on the second day after the two houses shall be organized and competent to proceed to business.

Sec. 3. No person shall be eligible to the office of governor, who shall not have been a citizen of the United States twelve years, and an inhabitant of this state six years, and who hath not attained to the age of thirty years, and who does not possess five hundred acres of land, in his own right, within this state, and other property to the amount of four thousand dollars, and whose estate shall not, on a reasonable estimation, be competent to the discharge of his debts over and above that sum.

Sec. 4. In case of the death, resignation, or disability of the governor, the president of the senate shall exercise the executive powers of government, until such disability be removed, or until the next meeting of the general assembly.

Sec. 5. The governor shall, before he enters on the duties of his office, take the following oath or affirmation: "I do solemnly swear, or affirm, (as the case may be) that I will faithfully execute the office of governor of the state of Georgia; and will, to the best of my abilities, preserve, protect, and defend the said state, and cause justice to be executed in mercy therein, according to the constitution and laws thereof."

Sec. 6. He shall be commander in chief of the army and navy of this state, and of the militia thereof.

Sec. 7. He shall have power to grant reprieves for offences against the state, except in cases of impeachment, and to grant pardons, or to remit any part of a sentence, in all cases after conviction, except for treason or murder, in which cases he may respite the execution, and make report thereof to the next general assembly, by whom a pardon may be granted.

Sec. 8. He shall issue writs of election to fill up all vacancies that happen in the senate or house of representatives; and shall have power to convene the general assembly on extraordinary occasions; and shall give them, from time to time, information of the state of the republic, and recommend to their consideration such measures as he may deem necessary and expedient.

Sec. 9. When any office shall become vacant by death, resignation, or otherwise, the governor shall have the power to fill such vacancy; and persons so appointed, shall continue in office until a successor is appointed, agreeably to the mode pointed out by this constitution or by the legislature.

Sec. 10. He shall have the revision of all bills passed by both houses, before the same shall become laws, but two-thirds of both houses may pass a law notwithstanding his dissent: and if any bill should not be returned by the governor within five days after it hath been presented to him, the same shall be a law, unless the general assembly, by their adjournment, shall prevent its return.

Sec. 11. Every vote, resolution, or order, to which the concurrence of both houses may be necessary, except on a question of adjournment, shall be presented to the governor; and before it shall take effect, be approved by him; or, being disapproved, may be repassed by two-thirds of both houses, according to the rules and limitations prescribed in case of a bill.

Sec. 12. There shall be a secretary of the state, a treasurer, and a surveyor-general, appointed in the same manner, and at the same session of the legislature, and they shall hold their offices for the like period as the governor, and shall have a competent salary including such emoluments as may be established by law, which shall not be increased or diminished during the period for which they shall have been elected.

Sec. 13. The great seal of the state shall be deposited in the office of the secretary of state, and shall not be affixed to any instrument of writing, but by order of the governor or general assembly; and the general assembly shall, at their first session, after the rising of this convention, cause the great seal to be altered, by law.

Sec. 14. The governor shall have power to appoint his own secretaries.

ARTICLE III.

Sec. 1. The judicial powers of this state shall be vested in a superior court, and in such inferior jurisdictions as the legislature shall from time to time, ordain and establish. The judges of the superior courts shall be elected for the term of three years, removable by the governor on the address of two-thirds of both houses for that purpose, or by impeachment and conviction thereon. The superior court shall have exclusive and final jurisdiction in all criminal cases, which shall be tried in the county wherein the crime was committed, and in all cases respecting titles to land, which shall be tried in the county where the land lies; and shall have power to correct errors in inferior judicatories by writs of *certiorari*, as well as errors in the superior courts, and to order new trials on proper and legal grounds: *Provided*, That such new trials shall be determined, and such errors corrected, in the superior court of the county in which such action originated. And the said court shall also have appellative jurisdiction in such other cases as the legislature may by law direct, which shall in no case tend to remove the cause from the county in which the action originated; and the judges thereof, in all cases of application for new trials, or correction of errors, shall enter their opinions on the minutes of the court. The inferior courts shall have cognizance of all other civil cases, which shall be tried in the county wherein the defendant resides, except in cases of joint obligors, residing in different counties, which may be commenced in either county: and a copy of the petition and process, served on the party or parties residing out of the county in which the suit may be commenced, shall be deemed sufficient service, under such rules and regulations as the legislature may direct: but the legislature may, by law, to which two-thirds of each branch shall concur, give concurrent jurisdiction to the superior courts. The superior and inferior courts shall sit in each county twice in every year, at such stated times as the legislature shall appoint.

Sec. 2. The judges shall have salaries, adequate to their services, established by law, which shall not be increased or diminished during their continuance in office; but shall not receive any other perquisites or emoluments whatever, from parties or others, on account of any duty required of them.

Sec. 3. There shall be a state's attorney and solicitors appointed by the legislature, and commissioned by the governor, who shall hold their offices for the term of three years, unless removed by sentence on impeachment, or by the governor, on the address of two-thirds of each branch of the general assembly. They shall have salaries adequate to their services established by law, which shall not be increased or diminished during their continuance in office.

Sec. 4. Justices of the inferior courts shall be appointed by the general assembly, and be commissioned by the governor, and shall hold their commissions during good behavior, or as long as they respectively reside in the county for which they shall be appointed, unless removed by sentence on impeachment, or by the governor on the address of two-thirds of each branch of the general assembly. They may be compensated for their services, in such manner as the legislature may by law direct.

Sec. 5. The justices of the peace shall be nominated by the inferior courts of the several counties, and commissioned by the governor, and there shall be two justices of the peace in each captain's district, either or both of whom, shall have power to try all cases of a civil nature, within their district, where the debt, or liquidated demand, does not exceed thirty dollars, in such manner as the legislature may by law direct. They shall hold their appointments during good behavior, or until they shall be removed by conviction on indictment in the superior court, for mal-practice in office, or for any felonious or infamous crime, or by the governor, on the address of two-thirds of each branch of the legislature.

Sec. 6. The powers of a court of ordinary or register of probates, shall be invested in the inferior courts of each county, from whose decision there may be an appeal to the superior court, under such restrictions and regulations as the general assembly may by law direct; but the inferior court shall have power to vest the care of the records and other proceedings therein, in the clerk, or such other person as they may appoint, and any one or more justices of the said court, with such clerk or other person, may issue citations, and grant temporary letters, in time of vacation, to hold until the next meeting of the said court; and such clerk or other person may grant marriage licenses.

Sec. 7. The judges of the superior courts, or any one of them, shall have power to issue writs of *mandamus*, prohibition, *scire facias*, and all other writs which may be necessary for carrying their powers fully into effect.

Sec. 8. Within five years after the adoption of this constitution, the body of our laws, civil and criminal, shall be revised, digested and arranged under proper heads, and promulgated in such manner as the legislature may direct; and no person shall be debarred from advocating or defending his cause, before any court or tribunal, either by himself, or counsel, or both.

Sec. 9. Divorces shall not be granted by the legislature, until the parties shall have had a fair trial before the superior court, and a verdict shall have been obtained, authorising a divorce upon legal principles. And in such cases, two-thirds of each branch of the legislature may pass acts of divorce accordingly.

Sec. 10. The clerks of the superior and inferior courts shall be appointed in such manner as the legislature may by law direct, shall be commissioned by the governor, and shall continue in office during good behavior.

Sec. 11. Sheriffs shall be appointed in such manner as the general assembly may by law direct, and shall hold their appointments for the term of two years, unless sooner removed by sentence on impeachment, or by the governor, on the address of two-thirds of the justices of the inferior court and of the peace in the county; but no person shall be twice elected sheriff within any term of four

years; and no county officer after the next election, shall be chosen at the time of electing a senator or representative.

ARTICLE IV.

Sec. 1. The electors of members of the general assembly, shall be citizens and inhabitants of this state, and shall have attained the age of twenty-one years, and have paid all taxes which may have been required of them, and which they may have had an opportunity of paying agreeably to law, for the year preceding the election, and shall have resided six months within the county: *Provided*, That in case of invasion, and the inhabitants shall be driven from any county, so as to prevent an election therein, such refugee inhabitants being a majority of the voters of such county, may meet under the direction of any three justices of the peace therein, in the nearest county, not in a state of alarm, and proceed to an election, without having paid such tax so required of electors, and the persons elected thereat, shall be entitled to their seats.

Sec. 2. All elections by the general assembly, shall be by joint ballot of both branches of the legislature; and when the senate and house of representatives unite for the purpose of electing, they shall meet in the representative chamber, and the president of the senate shall in such case preside, receive the ballots, and declare the person or persons elected. In all elections by the people, the electors shall vote *viva voce*, until the legislature shall otherwise direct.

Sec. 3. The general officers of the militia, shall be elected by the general assembly, and shall be commissioned by the governor. All other officers of the militia shall be elected in such manner as the legislature may direct, and shall be commissioned by the governor; and all militia officers now in commission, and those which may be hereafter commissioned, shall hold their commissions during their usual residence within the division, brigade, regiment, battalion, or company, to which they belong, unless removed by sentence of a court martial, or by the governor, on the address of two-thirds of each branch of the general assembly.

Sec. 4. All persons appointed by the legislature to fill vacancies, shall continue in office, only so long as to complete the time for which their predecessors were appointed.

Sec. 5. Freedom of the press, and trial by jury, as heretofore used in this state, shall remain inviolate; and no *ex post facto* law shall be passed.

Sec. 6. No person, who heretofore hath been, or hereafter may be, a collector, or holder of public monies, shall be eligible to any office in this state, until such person shall have accounted for, and paid into the treasury, all sums for which he may be accountable or liable.

Sec. 7. The person of a debtor, where there is not a strong presumption of fraud, shall not be detained in prison, after delivering up *bona fide*, all his estate real and personal, for the use of his creditors, in such manner as shall be hereafter regulated by law.

Sec. 8. Convictions on impeachments, which have heretofore taken place, are hereby released, and persons lying under such convictions restored to citizenship.

Sec. 9. The writ of *habeas corpus* shall not be suspended unless when in case of rebellion, or invasion, the public safety may require it.

Sec. 10. No person within this state, shall, upon any pretenee, be deprived of the inestimade privilege of worshipping God in a manner agreeable to his own conscience, nor be compelled to attend any place of worship, contrary to his own faith and judgment; nor shall he ever be obliged to pay tithes, taxes, or any other rate, for the building or repairing any place of worship, or for the maintenance of any minister or ministry, contrary to what he believes to be right, or hath voluntarily engaged to do. No one religious society shall ever be established in this state, in preference to any other; nor shall any person be denied the enjoyment of any civil right, merely on account of his religious principles.

Sec. 11. There shall be no future importation of slaves into this state, from Africa, or any foreign place, after the first day of October next. The legislature shall have no power to pass laws for the emancipation of slaves, without the consent of each of their respective owners, previous to such emancipation. They shall have no power to prevent emigrants, from either of the United States to this state, from bringing with them such persons, as may be deemed slaves, by the laws of any one of the United States.

Sec. 12. Any person, who shall maliciously dismember or deprive a slave of his life, shall suffer such punishment as would be inflicted, in case the like offence had been committed on a free white person, and on the like proof, except in case of insurrection by such slave, and unless such death should happen by accident, in giving such slave moderate correction.

Sec. 13. The arts and sciences shall be promoted, in one or more seminaries of learning, and the legislature shall, as soon as conveniently may be, give such further donations and privileges, to those already established, as may be necessary to secure the objects of their institution; and it shall be the duty of the general assembly, at their next session, to provide effectual measures for the improvement and permanent security of the funds and endowments of such institutions.

Sec. 14. All civil officers shall continue in the exercise of the duties of their several offices, during the periods for which they were appointed, or until they shall be superseded by appointments made in conformity to this constitution: And all laws, now in force, shall continue to operate, so far as they are compatible with this constitution, until repealed; and it shall be the duty of the general assembly to pass all necessary laws and regulations, for carrying this constitution into full effect.

Sec. 15. No part of this constitution shall be altered unless a bill for that purpose, specifying the alterations intended to be made, shall have been read three times in the house of representatives, and three times in the senate, on three several days, in each house, and agreed to by two-thirds of each house, respectively; and when any such bill shall be passed in manner aforesaid, the same shall be published at least six months previous to the next ensuing annual election for members of the general assembly; and if such alterations or any of them so proposed, shall be agreed to in their first session thereafter, by two-thirds of each branch of the general assembly, after the same shall have been read three times, on three seperate days, in each respective house, then, and not otherwise, the same shall become a part of this constitution.

We, the underwritten delegates of the people of the state of Georgia, chosen and authorised by them to revise, alter, or amend, the powers and principles of their government, do declare, ordain, and ratify, the several articles and sections contained in the six pages hereinto prefixed as the constitution of this state; and the same shall be in operation from the date hereof.

In testimony whereof, *we*, and each us, respectively, have hereunto set our hands, at Louisville, the seat of government, this thirteenth day of May, in the year of our Lord, one thousand seven hundred and ninety-eight, and in the twenty-second year of the Independence of the United States of America; and have caused the great seal of the state to be affixed thereto.

Article 4th, section 11th, and first line, the following words being interlined, to wit: "After the first day of October next."

JARED IRWIN, *President, and delegate from Washington.*

Bryan.	*Franklin.*	Jared Gore.
Joseph Clay, jun'r	A. Franklin,	*M'Intosh.*
J. B. Maxwell,	Robert Walters,	John H. M'Intosh,
John Pray.	Thomas Gilbert.	James Gignilliat.
Burke.	*Glynn.*	*Montgomery.*
Benjamin Davis,	John Burnett,	Benjamin Harrison,
John Morrison,	John Cooper,	John Watts,
John Milton.	Thomas Spalding.	John Jones.
Bullock.	*Green.*	*Oglethorpe.*
James Bird.	G. W. Foster,	John Lumpkin,
Andrew E. Wells,	Jonas Fauche,	Thomas Duke,
Charles M'Call, jun'r.	James Nisbet.	Burwell Pope.
Camden.	*Hancock.*	*Richmond.*
James Seagrove,	Charles Abercrombee,	Robert Watkins,
Thomas Stafford.	Thomas Lamar,	Abraham Jones.
Chatham.	Matthew Rabun.	*Scriven.*
James Jackson,	*Jefferson.*	Lewis Lanier.
James Jones,	Peter J. Carnes,	James H. Rutherford,
George Jones.	William Fleming,	James Oliver.
Columbia.	R. D. Gray.	*Washington.*
James Simms,	*Jackson.*	John Watts,
Wa. Drane,	George Wilson,	George Franklin.
James M'Neil.	James Pittman,	*Warren.*
Effingham.	Joseph Humpheris.	John Lawson,
John King,	*Liberty.*	Arthur Fort,
John London,	James Cochran,	W. Sith, junior.
Thomas Polhill.	James Powell,	*Wilkes.*
Elbert.	James Dunwody.	Matthew Talbot,
William Barnett,	*Lincoln.*	Jesse Mercer.
R. Hunt,	Henry Ware,	Benjamin Taliaferro.
Benjamin Mosely.	Gibson Woodridge.	

Attest, JAMES M. SIMMONS, *Secretary.*

Constitution of Vermont.

Adopted by the Convention, holden at Windsor, July 4th, 1793.

CHAPTER I.

A DECLARATION OF RIGHTS OF THE INHABITANTS OF THE STATE OF VERMONT.

ARTCLE I.

That all men are born equally free and independent, and have certain natural, inherent and unalienable rights, amongst which are the enjoying and defending life and liberty, acquiring, possessing and protecting property, and pursuing and obtaining happiness and safety: therefore, no male person, born in this country, and brought from over sea, ought to be holden by law, to serve any person as a servant, slave or apprentice, after he arrives to the age of twenty-one years; nor female in like manner, after she arrives to the age of eighteen years, unless they are bound by their own consent, after they arrive to such age, or bound by law for the payment of debts, damages, fines, costs, or the like.

ARTICLE II.

That private property ought to be subservient to public uses when necessity requires it; nevertheless, when any person's property is taken for the use of the public, the owner ought to receive an equivalent in money.

ARTICLE III.

That all men have a natural and unalienable right to worship Almighty God, according to the dictates of their own consciences and understandings, as in their opinion shall be regulated by the word of God: and that no man ought to, or of right can be compelled to attend any religious worship, or erect or support any place of worship, or maintain any minister contrary to the dictates of his conscience, nor can any man be justly deprived or abridged of any civil right as a citizen on account of his religious sentiments or peculiar mode of religious worship; and that no authority can, or ought, to be vested in, or assumed by, any power whatever, that shall in any case interfere with, or in any manner control the rights of conscience, in the free exercise of religious worship. Nevertheless, every sect or denomination of christians ought to observe the sabbath or Lord's day, and keep up some sort of religious worship, which to them shall seem most agreeable to the revealed will of God.

ARTICLE IV.

Every person within this state ought to find a certain remedy, by having recourse to the laws, for all injuries or wrongs which he may receive in his person, property, or character: he ought to obtain right and justice freely, and without being obliged to pur-

chase it; completely and without any denial; promptly and without delay; conformably to the law.

ARTICLE V.

That the people of this state, by their legal representatives, have the sole, inherent, and exclusive right of governing and regulating the internal police of the same.

ARTICLE VI.

That all power being originally inherent in, and consequently derived from the people, therefore, all officers of government, whether legislative or executive, are their trustees and servants, and at all times, in a legal way accountable to them.

ARTICLE VII.

That government is, or ought to be, instituted for the common mon benefit, protection, and security of the people, nation, or community, and not for the particular emolument or advantage of any single man, family, or set of men, who are a part only of that community; and that the community hath an indubitable, unalienable, and indefeasible right to reform or alter government, in such manner as shall be, by that community, judged most conducive to the public weal.

ARTICLE VIII.

That all elections ought to be free and without corruption, and that all freemen, having a sufficient evidence, common interest with, and attachment to the community, have a right to elect officers, and be elected into office, agreeably to the regulations made in this constitution.

ARTICLE IX.

That every member of society hath a right to be protected in the enjoyment of life, liberty and property, and therefore is bound to contribute his proportion towards the expense of that protection, and yield his personal service, when necessary, or an equivalent thereto; but no part of any person's property can be justly taken from him, or applied to public uses, without his consent, or that of the representative body of freemen; nor can any man who is conscientiously scrupulous of bearing arms, be justly compelled thereto, if he will pay such equivalent; nor are the people bound by any law but such as they have in like manner assented to, for their common good; and previous to any law being made to raise a tax, the purpose for which it is to be raised ought to appear evident to the legislature, to be of more service to the community than the money would be if not collected.

ARTICLE X.

That in all prosecutions for criminal offences, a person hath a right to be heard by himself and his counsel; to demand the cause and nature of his accusation; to be confronted with the witnesses; to call for evidence in his favor, and a speedy public trial by an impartial jury of his country; without the unanimous consent of which jury, he cannot be found guilty; nor can he be compelled to give evidence against himself; nor can any person be justly deprived of his liberty, except by the laws of the land, or the judgment of his peers.

ARTICLE XI.

That the people have a right to hold themselves, their houses, papers, and possessions, free from search or seizure: and, therefore, warrants, without oath or affirmation first made, affording sufficient foundation for them, and whereby any officer or messenger may be commanded or required to search suspected places, or to seize any person, or persons, his, her, or their property, not particularly described, are contrary to that right, and ought not to be granted.

ARTICLE XII.

That when an issue in fact, proper for the cognizance of jury, is joined in a court of law, the parties have a right to trial by jury, which ought to be held sacred.

ARTICLE XIII.

That the people have a right to freedom of speech, and of writing and publishing their sentiments, concerning the transactions of government, and therefore the freedom of the press ought not to be restrained.

ARTICLE XIV.

The freedom of deliberation, speech, and debate, in the legislature, is so essential to the rights of the people, that it cannot be the foundation of any accusation, or prosecution, action or complaint in any other court or place whatsoever.

ARTICLE XV.

The power of suspending laws, or the execution of laws, ought never to be exercised but by the legislature, or by authority derived from it, to be exercised in such particular cases, as this constitution, or the legislature shall provide for.

ARTICLE XVI.

That the people have a right to bear arms, for the defence of themselves and the state—and, as standing armies in time of peace are dangerous to liberty, they ought not to be kept up; and that the military should be kept under strict subordination to, and governed by the civil power.

ARTICLE XVII.

That no person in this state can in any case be subjected to law martial, or to any penalties or pains by virtue of that law, except those employed in the army, and the militia in actual service.

ARTICLE XVIII.

The frequent recurrence to fundamental principles, and firm adherence to justice, moderation, temperance, industry, and frugality, are absolutely necessary to preserve the blessings of liberty, and keep government free; the people ought, therefore, to pay particular attention to these points, in the choice of officers and representatives, and have a right, in a legal way, to exact a due and constant regard to them, from their legislators and magistrates, in making and executing such laws as are necessary for the good government of the state.

ARTICLE XIX.

That all people have a natural and inherent right to emigrate from one state to another that will receive them.

ARTICLE XX.

That the people have a right to assemble together to consult for their common good—to instruct their representatives—and apply to the legislature for redress of grievances, by address, petition, or remonstrance.

ARTICLE XXI.

That no person shall be liable to be transported out of this state for trial, for any offence committed within the same.

CHAP. II.—PLAN, OR FORM OF GOVERNMENT.

Sec. 1. The commonwealth or state of Vermont, shall be governed hereafter, by a governor, or lieutenant-governor, council, and an assembly of the representatives of the freemen of the same, in manner and form following:

Sec. 2. The supreme legislative power shall be vested in a house of representatives of the freemen of the commonwealth, or state of Vermont.

Sec. 3. The supreme executive power shall be vested in a governor, or, in his absence, a lieutenant governor, and council.

Sec. 4. Courts of justice shall be maintained in every county in this state, and also in new counties, when formed; which courts shall be open for the trial of all causes proper for their cognizance; and justice shall be therein impartially administered without corruption or unnecessary delay. The judges of the supreme court shall be justices of the peace throughout the state; and the several judges of the county courts, in their respective counties, by virtue of their office, except in the trial of such causes as may be appealed to the county court.

Sec. 5. A future legislature may, when they shall conceive the same to be expedient and necessary, erect a court of chancery, with such powers as are usually exercised by that court, or as shall appear for the interest of the commonwealth—*Provided*, they do not constitute themselves the judges of the said court.

Sec. 6. The legislative, executive, and judiciary departments, shall be separate and distinct, so that neither exercise the powers properly belonging to the other.

Sec. 7. In order that the freemen of this state might enjoy the benefit of election as equally as may be, each town within this state, that consists, or may consist of eighty taxable inhabitants, within one septenary, or seven years after she establishing this constitution, may hold elections therein, and choose each two representatives; and each other inhabited town in this state, may, in like manner, choose each one representative, to represent them in general assembly, during the said septenary or seven years; and after that, each inhabited town may, in like manner, hold such election, and choose each one representative forever thereafter.

Sec. 8. The house of representatives of the freemen of this state, shall consist of persons most noted for wisdom and virtue, to be chosen by ballot, by the freemen of every town in this state, respectively, on the first Tuesday in September annually, forever.

Sec. 9. The representatives so chosen, a majority of whom shall constitute a quorum for transacting any other business than raising a state tax, for which two thirds of the members elected shall be present, shall meet on the second Thursday of the succeeding October, and shall be styled *The General Assembly of the state of Vermont;* they shall have power to choose their speaker, secretary of state, their clerk and other necessary officers of the house—sit on their adjournments—prepare bills and enact them into laws—judge of the elections and qualifications of their own members: they may expel members, but not for causes known to their own constituents, antecedent to their own elections; they may administer oaths and affirmations in matters depending before them—redress grievances, impeach state criminals—grant charters of incorporation—constitute towns, boroughs, cities and counties: they may annually, on their first session after their election, in conjunction with the council, or oftener if need be, elect judges of the supreme and several county and probate courts, sheriffs and justices of the peace; and also with the council may elect major-generals, brigadier generals, from time to time, as often as there shall be occasion: and they shall have all other powers necessary for the legislature of a free and sovereign state; but they shall have no power to add to, alter, abolish, or infringe any part of this constitution.

Sec. 10. The supreme executive council of this state, shall consist of a governor, lieutenant governor and twelve persons, chosen in the following manner, viz. The freemen of each town shall, on the day of the election for choosing representatives to attend the general assembly, bring in their votes for governor, with his name fairly written to the constable, who shall seal them up and write on them, *votes for the governor*, and deliver them to the representatives chosen to attend the general assembly, there shall be a committee appointed out of the council and assembly, who, after being duly sworn to the faithful discharge of their trust, shall proceed to receive, sort, and count the votes for the governor, and declare the person who has the major part of the votes, to be governor for the year ensuing. And if there be no choice made, then the council and general assembly by their joint ballot, shall make choice of a governor. The lieutenant-governor and treasurer shall be chosen in the manner above directed. And each freeman shall give in twelve votes for twelve counsellors, in the same manner, and the twelve highest in nomination shall serve for the ensuing year as counsellors.

Sec. 11. The governor, and in his absence the lieutenant-governor, with the council, a major-part of whom, including the governor, or lieutenant-governor, shall be a quorum to transact business, shall have power to commission all officers—and also to appoint officers except where provision is, or shall be otherwise made by law or this frame of government; and shall supply every vacancy in any office, occasioned by death or otherwise, until the office can be filled in the manner directed by law or this constitution.

They are to correspond with other states—transact business with officers of government civil and military—and to prepare such business as may appear to them necessary to lay before the

general assembly. They shall sit as judges to hear and determine on impeachments, taking to their assistance for advice only, the judges of the supreme court. And shall have power to grant pardons and remit fines, in all cases whatsoever, except in treason and murder; in which they shall have power to grant reprieves, but not to pardon, until after the end of the next session of assembly; and except in cases of impeachment, in which there shall be no remission or mitigation of punishment, but by act of legislation.

They are also to take care that the laws be faithfully executed. They are to expedite the execution of such measures as may be resolved upon by the general assembly. And they may draw upon the treasury for such sums as may be appropriated by the house of representatives. They may also lay embargoes, or prohibit the exportation of any commodity, for any time not exceeding thirty days, in the recess of the house only. They may grant such licenses as shall be directed by law; and shall have power to call together the general assembly, when necessary, before the day to which they shall stand adjourned. The governor shall be captain-general and commander in chief of the forces of the state, but shall not command in person, except advised thereto by the council, and then only so long as they shall approve thereof. And the lieutenant governor shall, by virtue of his office, be lieutenant-general of all the forces of the state. The governor, or lieutenant-governor, and the council, shall meet at the time and place with the general assembly; the lieutenant-governor shall, during the presence of the commander-in-chief, vote and act as one of the council: and the governor, and in his absence the lieutenant-governor, shall, by virtue of their offices, preside in council, and have a casting but no other vote. Every member of the council shall be a justice of the peace for the whole state, by virtue of his office. The governor and council shall have a secretary, and keep fair books of their proceedings, wherein any counsellor may enter his dissent, with his reasons to support it; and the governor may appoint a secretary for himself and his council.

Sec. 12. The representatives having met, and chosen their speaker and clerk, shall each of them, before they proceed to business, take and subscribe, as well the oath or affirmation of allegiance hereinafter directed, except where they shall produce certificates of their having heretofore taken and subscribed the same, as the following oath or affirmation, viz.

"You ———— do solemnly swear (or affirm) that as a member of this assembly, you will not propose, or assent to any bill, vote or resolution, which shall appear to you injurious to the people, nor do or consent to any act or thing whatsoever, that shall have a tendency to lessen or abridge their rights and privileges, as declared by the constitution of this state; but will, in all things, conduct yourself as a faithful, honest representative, and guardian of the people, according to the best of your judgment and abilities, *(in case of an oath)* so help you God. *(And in case of an affirmation)* under the pains and penalties of perjury."

Sec. 13. The doors of the house in which the general assembly of this commonwealth shall sit, shall be open for the admission of all persons who behave decently, except only when the welfare of the state may require them to be shut.

Sec. 14. The votes and proceedings of the general assembly shall be printed, when one-third of the members think it necessary, as soon as convenient after the end of each session, with the yeas and nays on any question, when required by any member, except where the votes shall be taken by ballot, in which case every member shall have a right to insert the reasons of his vote upon the minutes.

Sec. 15. The style of the laws of this state in future to be passed shall be,—*It is hereby enacted by the general assembly of the state of Vermont.*

Sec. 16. To the end that laws, before they are enacted, may be more maturely considered, and the inconvenience of hasty determinations, as much as possible prevented, all bills which originate in the assembly, shall be laid before the governor and council for their revision and concurrence, or proposals of amendment; who shall return the same to the assembly, with their proposals of amendment, if any, in writing; and if the same are not agreed to by the assembly, it shall be in the power of the governor and council to suspend the passing of such bills until the next session of the legislature. Provided, that if the governor and council shall neglect or refuse to return any such bill to the assembly, with written proposals of amendment, within five days, or before the rising of the legislature, the same shall become a law.

Sec. 17. No money shall be drawn out of the treasury, unless first appropriated by act of legislation.

Sec. 18. No person shall be elected a representative, until he has resided two years in this state; the last of which shall be in the town for which he is elected.

Sec. 19. No member of the council, or house of representatives, shall, directly or indirectly, receive any fee or reward, to bring forward or advocate any bill, petition, or other business, to be transacted in the legislature; or advocate any cause, as counsel, in either house of legislation, except when employed in behalf of the state.

Sec. 20. No person ought, in any case or in any time, to be declared guilty of treason or felony, by the legislature.

Sec. 21. Every man, of the full age of twenty-one years, having resided in this state for the space of one whole year next before the election of representatives, and is of a quiet and peaceable behaviour, and will take the following oath or affirmation, shall be entitled to all the privileges of a freeman of this state.

"You solemnly swear (or affirm) that whenever you give your vote or suffrage, touching any matter that concerns the state of Vermont, you will do it so as in your conscience you shall judge will most conduce to the best good of the same, as established by the constitution, without fear or favor of any man."

Sec. 22. The inhabitants of this state shall be trained and armed for its defence, under such regulations, restrictions, and exceptions, as congress, agreeably to the constitution of the United States, and the legislature of this state shall direct. The several companies of militia shall, as often as vacancies happen, elect their captain and other officers, and the captains and subalterns shall nominate and recommend the field officers, of their respective regiments, who shall appoint their staff officers.

Sec. 23. All commissions shall be in the name of the freemen of the state of Vermont, sealed with the state seal, signed by the governor, and in his absence the lieutenant-governor, and attested by the secretary; which seal shall be kept by the governor.

Sec. 24. Every officer of state, whether judicial or executive, shall be liable to be impeached by the general assembly, either when in office, or after his resignation or removal for mal-administration. All impeachments shall be before the governor, or lieutenant governor and council, who shall hear and determine the same, and may award costs; and no trial or impeachment shall be a bar to a prosecution at law.

Sec. 25. As every freeman, to preserve his independence, if without a sufficient estate, ought to have some profession, calling, trade or farm, whereby he may honestly subsist, there can be no necessity for, nor use in establishing offices of profit, the usual effects of which are dependence and servility, unbecoming freemen in the possessors or expectants, and faction, contention and discord among the people. But if any man is called into public service to the prejudice of his private affairs he has a right to a reasonable compensation; and whenever an office through increase of fees, or otherwise, become so profitable as to occasion many to apply for it, the profits ought to be lessened by the legislature. And if any officer shall wittingly and wilfully take greater fees than the law allows him, it shall ever after disqualify him from holding any office in this state, until he shall be restored by act of legislation.

Sec. 26. No person in this state shall be capable of holding or exercising more than one of the following offices at the same time, viz. governor, lieutenant-governor, judge of the supreme court, treasurer of the state, member of the council, member of the general assembly, surveyor-general, or sheriff. Nor shall any person, holding any office of profit or trust under the authority of congress, be eligible to any appointment in the legislature, or of holding any executive or judiciary office under this state.

Sec. 27. The treasurer of the state shall, before the governor and council, give sufficient security to the secretary of the state, in behalf of the general assembly; and each high sheriff, before the first judge of the county court, to the treasurer of their respective counties, previous to their respectively entering upon the execution of their offices, in such manner, and in such sums as shall be directed by the legislature.

Sec. 28. The treasurer's accounts shall be annually audited, and a fair state thereof laid before the general assembly, at their session in October.

Sec. 29. Every officer, whether judicial, executive, or military in authority under this state, before he enters upon the execution of his office, shall take and subscribe to the following oath or affirmation of allegiance to this state, unless he shall produce evidence that he has before taken the same, and also the following oath or affirmation of office, except military officers, and such as shall be exempted by the legislature.

The oath or affirmation of allegiance.

"You do solemnly swear *(or affirm)* that you will be true and faithful to the state of Vermont, and that you will not, directly or indirectly, do any act or thing injurious to the constitution or government thereof, as established by convention. *(If an oath)* So help you God. *(If an affirmation)* Under the pains and penalties of perjury."

The oath or affirmation of office.

"You————do solemnly swear *(or affirm)* that you will faithfully execute the office of ——for the ——of ——; and will therein do equal right and justice to all men, to the best of your judgment and abilities, according to law. *(If an oath)* So help you God. *(If an affirmation)* Under the pains and penalties of perjury."

Sec. 30. No person shall be eligible to the office of governor or lieutenant-governor, until he shall have resided in this state four years next preceding the day of his election.

Sec. 31. Trials of issues, proper for the cognizance of a jury, in the supreme and county courts, shall be by jury, except where parties otherwise agree; and great care ought to be taken to prevent corruption or partiality in the choice and return or appointment of juries.

Sec. 32. All prosecutions shall commence, *by the authority of the state of Vermont*—all indictments shall conclude with these words, *against the peace and dignity of the state.* And all fines shall be proportioned to the offences.

Sec. 33. The person of a debtor, where there is not strong presumption of fraud, shall not be continued in prison after delivering up and assigning over, *bona fide*, all his estate, real and personal, in possession, reversion or remainder, for the use of his creditors, in such manner as shall be hereafter regulated by law. And all prisoners, unless in execution, or committed for capital offences, when the proof is evident or presumption great, shall be bailable by sufficient sureties; nor shall excessive bail be exacted for bailable offences.

Sec. 34. All elections, whether by the people or the legislature, shall be free and voluntary: and any elector, who shall receive any gift or reward for his vote, in meat, drink, monies, or otherwise, shall forfeit his right to elect at that time, and suffer such other penalty as the law shall direct; and any person who shall directly or indirectly, give, promise or bestow, any such rewards to be elected, shall thereby be rendered incapable to serve for the ensuing year, and be subject to such further punishment as a future legislature shall direct.

Sec. 35. All deeds and conveyances of land shall be recorded in the town clerk's office, in their respective towns; and for want thereof, in the county clerk's office of the same county.

Sec. 36. The legislature shall regulate entails in such manner as to prevent perpetuities.

Sec. 37. To deter more effectually from the commission of crimes, by continued visible punishments of long duration, and to

make sanguinary punishments less necessary, means ought to be provided for punishing by hard labor, those who shall be convicted of crimes not capital, whereby the criminal shall be employed for the benefit of the public, or for the reparation of injuries done to private persons: And all persons at proper times, ought to be permitted to see them at their labor.

Sec. 38. The estates of such persons as may destroy their own lives, shall not for that offence, be forfeited, but descend or ascend in the same manner, as if such persons had died in a natural way. Nor shall any article which shall accidentally occasion the death of any person, be henceforth deemed a deodand, or in any wise forfeited on account of such misfortune.

Sec. 39. Every person, of good character, who comes to settle in this state, having first taken an oath or affirmation of allegiance to the same, may purchase, or by other just means acquire, hold, and transfer land, or other real estate; and, after one year's residence, shall be deemed a free denizen thereof, and entitled to all rights of a natural born subject of this state, except that he shall not be capable of being elected governor, lieutenant-governor, treasurer, counsellor, or representative in assembly, until after two years residence.

Sec. 40. The inhabitants of this state shall have liberty, in seasonable times, to hunt and fowl on the lands they hold, and on other lands not enclosed; and in like manner to fish in all boatable and other waters, not private property, under proper regulations, to be hereafter made and provided by the general assembly.

Sec. 41. Laws for the encouragement of virtue and prevention of vice and immorality, ought to be constantly kept in force, and duly executed: And a competent number of schools ought to be maintained in each town for the convenient instruction of youth: And one or more grammar schools be incorporated and properly supported in each county in this state. And all religious societies or bodies of men, that may be hereafter united or incorporated for the advancement of religion and learning, or for other pious and charitable purposes, shall be encouraged and protected in the enjoyment of the privileges, immunities, and estates, which they in justice ought to enjoy, under such regulations as the general assembly of this state shall direct.

Sec. 42. The declaration of the political rights and privileges of the inhabitants of this state is hereby declared to be a part of the constitution of this commonwealth; and ought not to be violated; on any pretence whatsoever.

Sec. 43. In order that the freedom of this commonwealth may be preserved inviolate forever, there shall be chosen, by ballot, by the freemen of this state, on the last Wednesday in March, in the year one thousand seven hundred and ninety-nine, and on the last Wednesday in March in every seven years thereafter, thirteen persons, who shall be chosen in the same manner the council is chosen, except they shall not be out of the council or general assembly, to be called the council of censors; who shall meet together on the first Wednesday in June next ensuing their election, the majority of whom shall be a quorum in every case, except as to calling a convention, in which two-thirds of the whole number elected shall agree, and whose duty it shall be to enquire whether the constitution has been preserved inviolate in every part during the last septenary, including the year of their service, and whether the legislative and executive branches of government have performed their duty as guardians of the people, or assumed to themselves, or exercised other or greater powers than they are entitled to by the constitution. They are also to enquire whether the public taxes have been justly laid and collected in all parts of this commonwealth—in what manner the public monies have been disposed of—and whether the laws have been duly executed. For these purposes they shall have power to send for persons, papers and records—they shall have authority to pass public censures, to order impeachments, and to recommend to the legislature the repealing such laws as shall appear to them to have been passed contrary to the principles of the constitution: These powers they shall continue to have for and during the space of one year from the day of their election, and no longer. The said council of censors shall also have power to call a convention, to meet within two years after their sitting, if there appears to them an absolute necessity of amending any article of this constitution which may be defective—explaining such as may be thought not clearly expressed—and of adding such as are necessary for the preservation of the rights and happiness of the people; but the articles to be amended, and the amendments proposed, and such articles as are proposed to be added or abolished, shall be promulgated at least six months before the day appointed for the election of such convention, for the previous consideration of the people, that they may have an opportunity of instructing their delegates on the subject.

By order of Convention, July 9th, 1793.

THOMAS CHITTENDEN, President.

Attest, LEWIS R. MORRIS, Secretary.

Constitution of Kentucky.

The Constitution, or form of Government for the State of Kentucky.

WE, the representatives of the people of the state of Kentucky, in convention assembled, to secure to all the citizens thereof the enjoyment of the right of life, liberty and property, and of pursuing happiness, do ordain and establish this constitution for its government.

ARTICLE I.—*Concerning the distribution of the Powers of the Government.*

Sec. 1. The powers of the government of the state of Kentucky shall be divided into three distinct departments, and each of them he confided to a separate body of magistracy, to wit: those which are legislative, to one; those which are executive, to another; and those which are judiciary, to another.

Sec. 2. No person, or collection of persons, being one of those departments, shall exercise any power properly belonging to either of the others; except in the instances hereinafter expressly directed or permitted.

ARTICLE II.—*Concerning the Legislative Department.*

Sec. 1. The legislative power of this commonwealth shall be vested in two distinct branches; the one to be styled the house of representatives, the other the senate, and both together, *the General Assembly of the Commonwealth of Kentucky.*

Sec. 2. The members of the house of representatives shall continue in service for the term of one year from the day of the commencement of the general election, and no longer.

Sec. 3. Representatives shall be chosen on the first Monday in the month of August in every year; but the presiding officers of the several elections shall continue the same for three days, at the request of any one of the candidates.

Sec. 4. No person shall be a representative, who at the time of his election, is not a citizen of the United States, and hath not attained to the age of twenty-four years, and resided in this state two years next preceding his election, and the last year thereof in the county or town for which he may be chosen.

Sec. 5. Elections for representatives for the several counties entitled to representation, shall be held at the places of holding their respective courts, or in the several election precincts into which the legislature may think proper, from time to time, to divide any or all of those counties: *Provided,* That when it shall appear to the legislature that any town hath a number of qualified voters equal to the ratio then fixed, such town shall be invested with the privilege of a separate representation, which shall be retained so long as such town shall contain a number of qualified voters equal to the ratio which may from time to time be fixed by law, and thereafter elections, for the county in which such town is situated, shall not be held therein.

Sec. 6. Representation shall be equal and uniform in this commonwealth; and shall be forever regulated and ascertained by the number of qualified electors therein. In the year eighteen hundred and three, and every fourth year thereafter, an enumeration of all the free male inhabitants of the state, above twenty-one years of age, shall be made in such manner as shall be directed by law. The number of representatives shall, in the several years of making these enumerations, be so fixed as not to be less than fifty-eight, nor more than one hundred, and they shall be apportioned for the four years next following, as near as may be, among the several counties and towns, in proportion to the number of qualified electors: but, when a county may not have a sufficient number of qualified electors to entitle it to one representative, and when the adjacent county or counties may not have a residuum or residuums, which, when added to the small county would entitle it to a separate representation, it shall then be in the power of the legislature to join two or more together, for the purpose of sending a representative. Provided, that when there are two or more counties adjoining, which have residuums over and above the ratio then fixed by law, if said residuums when added together will amount to such ratio, in that case, one representative shall be added to that county having the largest residuum.

Sec. 7. The house of representatives shall choose its speaker and other officers.

Sec. 8. In all elections for representatives, every free male citizen (negroes, mulattoes, and Indians excepted) who, at the time being, hath attained to the age of twenty-one years, and resided in the state two years, or the county or town in which he offers to vote one year next preceding the election, shall enjoy the right of an elector; but no person shall be entitled to vote, except in the county or town in which he may actually reside at the time of the election, except as is herein otherwise provided. Electors shall in all cases, except treason, felony, breach or surety of the peace, be privileged from arrest during their attendance at, going to, and returning from elections.

Sec. 9. The members of the senate shall be chosen for the term of four years; and when assembled shall have the power to choose its officers annually.

Sec. 10. At the first session of the general assembly after this constitution takes effect, the senators shall be divided by lot, as equally as may be, into four classes:—the seats of the senators of the first class, shall be vacated at the expiration of the first year; of the second class, at the expiration of the second year; of the third class, at the expiration of the third year; and of the fourth class, at the expiration of the fourth year; so that one fourth shall be chosen every year, and a rotation thereby kept up perpetually.

Sec. 11. The senate shall consist of twenty-four members at least, and for every three members above fifty-eight, which shall be added to the house of representatives, one member shall be added to the senate.

Sec. 12. The same number of senatorial districts shall, from time to time, be established by the legislature, as there may then be senators allotted to the state; which shall be so formed as to contain, as near as may be, an equal number of free male inhabitants in each, above the age of twenty-one years, and so that no county shall be divided, or form more than one district; and where two or more counties compose a district, they shall be adjoining.

Sec. 13. When an additional senator may be added to the senate, he shall be annexed by lot to one of the four classes, so as to keep them as nearly equal in number as possible.

Sec. 14. One senator for each district shall be elected by those qualified to vote for representatives therein, who shall give their votes at the several places in the counties or towns, where elections are by law directed to be held.

Sec. 15. No person shall be a senator, who, at the time of his election, is not a citizen of the United States, and who hath not

attained to the age of thirty-five years, and resided in this state six years next preceding his election, and the last year thereof in the district from which he may be chosen.

Sec. 16. The first election for senators shall be general throughout the state, and at the same time that the general election for representatives is held; and thereafter, there shall, in like manner, be an annual election for senators, to fill the places of those whose time of service may have expired.

Sec. 17. The general assembly shall convene on the first Monday in the month of November in every year, unless a different day on, going to, and returning from the sessions of their respective houses: Provided, that the same may be increased or diminished by law; but no alteration shall take effect during the session at which such alteration shall be made.

Sec. 24. The members of the general assembly shall, in all cases, except treason, felony, breach or surety of the peace, be privileged from arrest, during their attendance at the sessions of their respective houses, and in going to, and returning from the same; and for any speech or debate, in either house, they shall not be questioned in any other place.

Sec. 25. No senator or representative shall, during the term for which he was elected, nor for one year thereafter, be appointed or elected to any civil office of profit under this commonwealth, which shall have been created, or the emoluments of which shall have been increased, during the time such senator or representative was in office, except to such offices or appointments as may be made or filled by the elections of the people.

Sec. 26. No person, while he continues to exercise the functions of a clergyman, priest, or teacher of any religious persuasion, society or sect; nor whilst he holds or exercises any office of profit under this commonwealth, shall be eligible to the general assembly; except attornies at law, justices of the peace, and militia officers: Provided, that justices of the courts of quarter sessions shall be ineligible, so long as any compensation may be allowed them for their services; Provided also, that attornies for the commonwealth, who receive a fixed annual salary from the public treasury, shall be ineligible.

Sec. 27. No person, who at any time may have been a collector be appointed by law; and their sessions shall be held at the seat of government.

Sec. 18. Not less than a majority of the members of each house of the general assembly shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and shall be authorised by law to compel the attendance of absent members, in such manner, and under such penalties as may be prescribed thereby.

Sec. 19. Each house of the general assembly shall judge of the qualifications, elections, and returns of its members; but a contested election shall be determined in such manner as shall be directed by law.

Sec. 20. Each house of the general assembly may determine the rules of its proceedings; punish a member for disorderly behavior; and, with the concurrence of two-thirds, expel a member, but not a second time for the same cause.

Sec. 21. Each house of the general assembly shall keep and publish weekly, a journal of its proceedings; and the yeas and nays of the members on any question shall, at the desire of any two of them, be entered on their journal.

Sec. 22. Neither house, during the session of the general assembly, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which they may be sitting.

Sec. 23. The members of the general assembly shall severally receive from the public treasury, a compensation for their services, which shall be one dollar and a half a day, during their attendance of taxes for the state or the assistant or deputy of such collector, shall be eligible to the general assembly until he shall have obtained a quietus for the amount of such collection, and for all public monies for which he may be responsible.

Sec. 28. No bill shall have the force of a law, until on three several days, it be read over in each house of the general assembly, and free discussion allowed thereon: unless in cases of urgency four-fifths of the house, where the bill shall be depending, may deem it expedient to dispense with this rule.

Sec. 29. All bills for raising revenue shall originate in the house of representatives; but the senate may propose amendments, as in other bills: Provided, that they shall not introduce any new matter, under the colour of an amendment, which does not relate to raising a revenue.

Sec. 30. The general assembly shall regulate by law, by whom, and in what manner, writs of election shall be issued to fill the vacancies which may happen in either branch thereof.

ARTICLE III.

Concerning the Executive Department.

The supreme executive power of the commonwealth shall be vested in a chief magistrate, who shall be styled the governor of the commonwealth of Kentucky.

Sec. 2. The governor shall be elected for the term of four years by the citizens entitled to suffrage, at the time and places where they shall respectively vote for representatives. The person having the highest number of votes shall be governor: but if two or more shall be equal and highest in votes, the election shall be determined by lot, in such manner as the legislature may direct.

Sec. 3. The governor shall be ineligible for the succeeding seven years, after the expiration of the time for which he shall have been elected.

Sec. 4. He shall be at least thirty-five years of age, and a citizen of the United States, and have been an inhabitant of this state at least six years next preceding his election.

Sec. 5. He shall commence the execution of his office on the fourth Tuesday succeeding the day of the commencement of the general election on which he shall be chosen, and shall continue in the execution thereof until the end of four weeks next succeeding the election of his successor, and until his successor shall have taken the oaths or affirmations prescribed by this constitution.

Sec. 6. No member of congress, or person holding any office under the United States, nor minister of any religious society, shall be eligible to the office of governor.

Sec. 7. The governor shall, at stated times, receive for his services, a compensation, which shall neither be increased or diminished, during the term for which he shall have been elected.

Sec. 8. He shall be commander in chief of the army and navy of this commonwealth, and of the militia thereof, except when they shall be called into the service of the United States; but he shall not command personally in the field, unless he shall be advised so to do, by a resolution of the general assembly.

Sec. 9. He shall nominate, and by and with the advice and consent of the senate, appoint all officers whose offices are established by this constitution, or shall be established by law, and whose appointments are not herein otherwise provided for: Provided, that no person shall be so appointed to an office within any county, who shall not have been a citizen and inhabitant therein, one year next before his appointment, if the county shall have been so long erected, but if it shall not have been so long erected, then, within the limits of the county or counties from which it shall have been taken: Provided also, that the county courts be authorized by law to appoint inspectors, collectors, and their deputies, surveyors of the high-ways, constables, jailors, and such other inferior officers, whose jurisdiction may be confined within the limits of a county.

Sec. 10. The governor shall have power to fill up vacancies that may happen during the recess of the senate, by granting commissions, which shall expire at the end of the next session.

Sec. 11. He shall have power to remit fines and forfeitures, grant reprieves and pardons, except in cases of impeachment. In cases of treason, he shall have power to grant reprieves until the end of the next session of the general assembly; in which the power of pardoning shall be vested.

Sec. 12. He may require information in writing from the officers in the executive department, upon any subject relating to the duties of their respective offices.

Sec. 13. He shall from time to time give to the general assembly information of the state of the commonwealth, and recommend to their consideration such measures as he shall deem expedient.

Sec. 14. He may on extraordinary occasions convene the general assembly at the seat of government, or at a different place, if that should have become, since their last adjournment, dangerous from an enemy, or from contagious disorders; and in case of disagreement between the two houses, with respect to the time of adjournment, adjourn them to such time as he shall think proper, not exceeding four months.

Sec. 15. He shall take care that the laws be faithfully executed.

Sec. 16. A lieutenant-governor shall be chosen at every election for a governor, in the same manner, continue in office for the same time, and possess the same qualifications. In voting for governor and lieutenant-governor, the electors shall distinguish whom they vote for as governor, and whom as lieutenant-governor.

Sec. 17. He shall, by virtue of his office, be speaker of the senate, have a right, when in committee of the whole, to debate and vote on all subjects; and when the senate are equally divided, to give the casting vote.

Sec. 18. In case of the impeachment of the governor, his removal from office, death, refusal to qualify, resignation, or absence from the state, the lieutenant-governor shall exercise all the power and authority appertaining to the office of governor, until another be duly qualified, or the governor, absent or impeached, shall return or be acquitted.

Sec. 19. Whenever the government shall be administered by the lieutenant-governor, or shall be unable to attend as speaker of the senate, the senators shall elect one of their own members as speaker, for that occasion. And if, during the vacancy of the office of governor, the lieutenant-governor shall be impeached, removed from office, refuse to qualify, resign, die, or be absent from the state, the speaker of the senate shall, in like manner, administer the government.

Sec. 20. The lieutenant-governor, while he acts as speaker to the senate, shall receive for his services the same compensation, which shall for the same period be allowed to the speaker of the house of representatives, and no more; and during the time he administers the government as governor, shall receive the same compensation which the governor would have received and been entitled to, had he been employed in the duties of his office.

Sec. 21. The speaker pro tempore of the senate, during the time he administers the government, shall receive in like manner the same compensation, which the governor would have received, had he been employed in the duties of his office.

Sec. 22. If the lieutenant-governor shall be called upon to administer the government, and shall, while in such administration, resign, die, or be absent from the state during the recess of the general assembly, it shall be the duty of the secretary for the time being, to convene the senate for the purpose of choosing a speaker.

Sec. 23. An attorney-general and such other attornies for the commonwealth as may be necessary, shall be appointed, whose duty shall be regulated by law. Attornies for the commonwealth for the several counties, shall be appointed by the respective courts having jurisdiction therein.

Sec. 24. A secretary shall be appointed and commissioned during the term for which the governor shall have been elected, if he shall so long behave himself well. He shall keep a fair register, and attest all the official acts and proceedings of the governor, and shall, when required, lay the same, and all papers, minutes and vouchers relative thereto, before either house of the general assembly, and shall perform such other duties as may be enjoined him by law.

Sec. 25. Every bill which shall have passed both houses shall be presented to the governor; if he approve, he shall sign it, but if not, he shall return it with his objections, to the house in which it shall have originated, who shall enter the objections at large upon the journal, and proceed to re-consider it; if, after such re-consideration, a majority of all the members elected to that house shall agree to pass the bill, it shall be sent, with the objections, to the other house, by which it shall be likewise considered, and if approved by a majority of all the members elected to that house, it shall be a law; but in such cases the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journals of each house respectively; if any bill shall not be returned by the governor within ten days, Sundays excepted, after it shall have been presented to him, it shall be a law in like manner as if he had signed it, unless the general assembly by their adjournment prevent its return; in which case it shall be a law, unless sent back within three days after their next meeting.

Sec. 26. Every order, resolution or vote, to which the concurrence of both houses may be necessary, except on a question of adjournment, shall be presented to the governor, and before it shall take effect, be approved by him; or, being disapproved, shall be re-passed, by a majority of all the members elected to both houses, according to the rules and limitations prescribed in case of a bill.

Sec. 27. Contested elections for a governor and lieutenant-governor, shall be determined by a committee to be selected from both houses of the general assembly, and formed and regulated in such manner as shall be directed by law.

Sec. 28. The freemen of this commonwealth (Negroes, Mulattoes and Indians excepted) shall be armed and disciplined for its defence. Those who conscientiously scruple to bear arms, shall not be compelled to do so, but shall pay an equivalent for personal service.

Sec. 29. The commanding officers of the respective regiments shall appoint the regimental staff; brigadier generals, their brigade majors; major generals, their aids; and captains, the non-commissioned officers of companies.

Sec. 30. A majority of the field officers and captains in each regiment, shall nominate the commissioned officers in each company, who shall be commissioned by the governor; Provided that no nomination shall be made, unless two at least of the field officers are present; and when two or more persons have an equal, and the highest number of votes, the field officer present, who may be highest in commission, shall decide the nomination.

Sec. 31. Sheriffs shall be hereafter appointed in the following manner:—When the time of a sheriff for any county may be about to expire, the county court for the same, a majority of all its justices being present, shall in the months of September, October, or November next preceding thereto, recommend to the governor two proper persons to fill the office, who are then justices of the county court; and who shall in such recommendation pay a just regard to seniority in office and a regular rotation. One of the persons so recommended shall be commissioned by the governor, and shall hold his office for two years, if he so long behave well, and until a successor be duly qualified. If the county courts shall omit in the months aforesaid to make such recommendation, the governor shall then nominate, and by and with the advice and consent of the senate, appoint a fit person to fill such office.

ARTICLE IV.—*Concerning the Judicial Department.*

Sec. 1. The judiciary power of this commonwealth both as to matters of law and equity, shall be vested in one supreme court, which shall be styled the court of appeals, and in such inferior courts as the general assembly may, from time to time erect and establish.

Sec. 2. The court of appeals, except in cases otherwise directed by this constitution, shall have appellate jurisdiction only; which shall be co-extensive with the state, under such restrictions and regulations not repugnant to this constitution, as may, from time to time, be prescribed by law.

Sec. 3. The judges, both of the supreme and inferior courts shall hold their offices during good behavior; but for any reasonable cause which shall not be sufficient ground of impeachment, the governor shall remove any of them on the address of two-thirds of each house of the general assembly: Provided, however, that the cause or causes for which such removal may be required, shall be stated at length in such address, and on the journal of each house. They shall, at stated times, receive for their services, an adequate compensation, to be fixed by law.

Sec. 4. The judges shall, by virtue of their office, be conservators of the peace, throughout the state. The style of all process shall be, "The commonwealth of Kentucky." All prosecutions shall be carried on in the name, and by the authority of the commonwealth of Kentucky, and conclude, against the peace and dignity of the same.

Sec. 5. There shall be established in each county, now or which may hereafter be erected, within this commonwealth, a county court.

Sec. 6. A competent number of justices of the peace shall be appointed in each county; they shall be commissioned during good behavior, but may be removed on conviction of misbehavior in office, or of any infamous crime, or on the address of two-thirds of each house of the general assembly: Provided, however, that the cause or causes for which such removal may be required, shall be stated at length in such address and on the journal of each house.

Sec. 7. The number of the justices of the peace, to which the several counties in this commonwealth now established, or which may hereafter be established, ought to be entitled, shall from time to time be regulated by law.

Sec. 8. When a surveyor, coroner, or justice of the peace, shall be needed in any county, the county court for the same, a majority of all its justices concurring therein, shall recommend to the governor two proper persons to fill the office, one of whom he shall appoint thereto: Provided, however, that if the county court shall for twelve months omit to make such recommendation, after being requested by the governor to recommend proper persons, he shall then nominate, and by and with the advice and consent of the senate, appoint a fit person to fill such office.

Sec. 9. When a new county shall be erected, a competent number of justices of the peace, a sheriff and coroner therefor, shall be recommended to the governor by a majority of all the members of the house of representatives from the senatorial district or districts in which the county is situated; and if either of the persons thus recommended shall be rejected by the governor or the senate, another person shall immediately be recommended as aforesaid.

Sec. 10. Each court shall appoint its own clerk, who shall hold his office during good behavior; but no person shall be appointed clerk, only pro tempore, who shall not produce to the court appointing him a certificate from a majority of the judges of the court of appeals, that he had been examined by their clerk in their presence, and under their direction, and that they judge him to be well qualified to execute the office of clerk of any court of the same dignity, with that for which he offers himself. They shall be removable for breach of good behavior by the court of appeals only, who shall be judges of the fact as well as of the law. Two-thirds of the members present must concur in the sentence.

Sec. 11. All commissions shall be in the name, and by the authority of the state of Kentucky, and sealed with the state seal, and signed by the governor.

Sec. 12. The state treasurer and printer or printers for the commonwealth, shall be appointed annually by the joint vote of both houses of the general assembly: Provided, that during the recess of the same, the governor shall have power to fill vacancies which may happen in either of the said offices.

ARTICLE V.—*Concerning Impeachmen's.*

Sec. 1. The house of representatives shall have the sole power of impeaching.

Sec. 2. All impeachments shall be tried by the senate; when sitting for that purpose, the senators shall be upon oath or affirmation: No person shall be convicted without the concurrence of two-thirds of the members present.

Sec. 3. The governor and all civil officers shall be liable to impeachment for any misdemeanor in office; but judgment in such cases, shall not extend further than to removal from office, and disqualification to hold any office of honor, trust, or profit under this commonwealth; but the party convicted shall nevertheless be liable and subject to indictment, trial, and punishment according to law.

ARTICLE VI.—*General Provisions.*

Sec. 1. Members of the general assembly and all officers, executive and judicial, before they enter upon the execution of their respective offices, shall take the following oath or affirmation: "I do solemnly swear (or affirm as the case may be) that I will be faithful and true to the commonwealth of Kentucky, so long as I continue a citizen thereof, and that I will faithfully execute to the best of my abilities, the office of according to law."

Sec. 2. Treason against the commonwealth shall consist only in levying war against it, or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act, or his own confession in open court.

Sec. 3. Every person shall be disqualified from serving as a governor, lieutenant-governor, senator, or representative, for the term for which he shall have been elected, who shall be convicted of having given or offered any bribe or treat, to procure his election.

Sec. 4. Laws shall be made to exclude from office and from suffrage, those who shall thereafter be convicted of bribery, perjury, forgery, or other high crimes or misdemeanors. The privilege of free suffrage shall be supported by laws regulating elections, and prohibiting, under adequate penalties, all undue influence thereon from power, bribery, tumult, or other improper practices.

Sec. 5. No money shall be drawn from the treasury, but in pursuance of appropriations made by law, nor shall any appropriations of money, for the support of an army be made for a longer time than one year; and a regular statement and account of the receipts and expenditures of all public money, shall be published annually.

Sec. 6. The general assembly shall direct by law in what manner, and in what courts, suits may be brought against the commonwealth.

Sec. 7. The manner of administering an oath or affirmation shall be such as is most consistent with the conscience of the deponent, and shall be esteemed by the general assembly the most solemn appeal to God.

Sec. 8. All laws, which on the first day of June, one thousand seven hundred and ninety-two, were in force in the state of Virginia, and which are of a general nature, and not local to that state, and not repugnant to this constitution, nor to the laws which have been enacted by the legislature of this commonwealth, shall be in force within this state, until they shall be altered or repealed by the general assembly.

Sec. 9. The compact with the state of Virginia, subject to such alterations as may be made therein agreeably to the mode prescribed by the said compact, shall be considered as part of this constitution.

Sec. 10. It shall be the duty of the general assembly, to pass such laws as may be necessary and proper to decide differences by arbitrators, to be appointed by the parties who may choose that summary mode of adjustment.

Sec. 11. All civil officers for the commonwealth at large, shall reside within the state, and all district, county, or town officers, within their respective districts, counties, or towns (trustees of towns excepted) and shall keep their respective offices at such places therein, as may be required by law: and all militia officers

shall reside in the bounds of the division, brigade, regiment, battalion, or company to which they may severally belong.

Sec. 12. The attorney general and other attornies for this commonwealth, who receive a fixed annual salary from the public treasury, judges and clerks of courts, justices of the peace, surveyors of lands, and all commissioned militia officers, shall hold their respective offices during good behavior, and the continuance of their respective courts, under the exceptions contained in this constitution.

Sec. 13. Absence on the business of this state, or the United States, shall not forfeit a residence once obtained, so as to deprive any one of the right of suffrage, or of being elected or appointed to any office under this commonwealth, under the exceptions contained in this constitution.

Sec. 14. It shall be the duty of the general assembly to regulate by law, in what cases, and what deduction from the salaries of public officers shall be made, for neglect of duty in their official capacity.

Sec. 15. Returns of all elections for governor, lieutenant governor, and members of the general assembly, shall be made to the secretary for the time being.

Sec. 16. In all elections by the people, and also by the senate and house of representatives, jointly or separately, the votes shall be personally and publicly given, viva voce.

Sec. 17. No member of congress nor person holding or exercising any office of trust or profit under the United States, or either of them, or under any foreign power, shall be eligible as a member of the general assembly of this commonwealth, or hold or exercise any office of trust or profit under the same.

Sec. 18. The general assembly shall direct by law how persons, who now are, or may hereafter become, securities for public officers, may be relieved or discharged on account of such security-ship.

ARTICLE VII.—*Concerning Slaves.*

Sec. 1. The general assembly shall have no power to pass laws for the emancipation of slaves without the consent of their owners, or without paying their owners previous to such emancipation, a full equivalent in money, for the slaves so emancipated. They shall have no power to prevent emigrants to this state from bringing with them such persons as are deemed slaves by the laws of any one of the U. States, so long as any person of the same age or description shall be continued in slavery by the laws of this state. They shall pass laws to permit the owners of slaves to emancipate them, saving the rights of creditors, and preventing them from becoming a charge to any county in this commonwealth. They shall have full power to prevent slaves being brought into this state as merchandise. They shall have full power to prevent any slaves being brought into this state, who have been since the first day of January, one thousand seven hundred and eighty-nine, or may hereafter be imported into any of the United States from a foreign country. And they shall have full power to pass such laws as may be necessary, to oblige the owners of slaves to treat them with humanity, to provide for them necessary cloathing and provision, to abstain from all injuries to them extending to life or limb, and in case of their neglect or refusal to comply with the directions of such laws, to have such slave or slaves sold for the benefit of their owner or owners.

Sec. 2. In the prosecution of slaves for felony, no inquest by a grand jury shall be necessary, but the proceedings in such prosecutions shall be regulated by law: except that the general assembly shall have no power to deprive them of the privilege of an impartial trial by a petit jury.

ARTICLE VIII.

The seat of government shall continue in the town of Frankfort, until it shall be removed by law: Provided, however, that two-thirds of all the members elected to each house of the general assembly, shall concur in the passage of such law.

ARTICLE IX.—*Mode of Revising the Constitution.*

When experience shall point out the necessity of amending this constitution, and when a majority of all the members elected to each house of the general assembly, shall within the first twenty days of their stated annual session, concur in passing a law for taking the sense of the good people of this commonwealth as to the necessity and expediency of calling a convention, it shall be the duty of the several sheriffs, and other returning officers, at the next general election which shall be held for representatives, after the passage of such law, to open a poll for, and make a return to the secretary, for the time being, of the names of all those entitled to vote for representatives who have voted for calling a convention: and if thereupon it shall appear that a majority of all the citizens of this state entitled to vote for representatives, have voted for a convention, the general assembly shall direct that a similar poll shall be opened, and taken for the next year; and if thereupon it shall appear, that a majority of all the citizens of this state entitled to vote for representatives, have voted for a convention, the general assembly shall at their next session call a convention, to consist of as many members as there shall be in the house of representatives, and no more; to be chosen in the same manner and proportion, at the same places, and at the same time, that representatives are, by citizens entitled to vote for representatives; and to meet within three months after the said election, for the purpose of re-adopting, amending or changing this constitution. But if it shall appear by the vote of either year, as aforesaid, that a majority of all the citizens entitled to vote for representatives, did not vote for a convention, a convention shall not be called.

ARTICLE X.

That the general, great, and essential principles of liberty and free government, may be recognized and established, we declare,

Sec. 1. That all free men, when they form a social compact, are equal; and that no man or set of men, are entitled to exclusive, separate, public emoluments or privileges, from the community, but in consideration of public services.

Sec. 2. That all power is inherent in the people, and all free governments are founded on their authority, and instituted for their peace, safety and happiness: for the advancement of these ends, they have at all times an unalienable and indefeisible right to alter, reform, or abolish their government in such manner as they may think proper.

Sec. 3. That all men have a natural and indefeisible right to worship Almighty God according to the dictates of their own consciences; that no man shall be compelled to attend, erect, or support any place of worship, or to maintain any ministry against his consent: that no human authority ought, in any case whatever, to control or interfere with the rights of conscience; and that no preference shall ever be given by law, to any religious societies or modes of worship.

Sec. 4. That the civil rights, privileges, or capacities of any citizen shall in no wise be diminished or enlarged on account of his religion.

Sec. 5. That all elections shall be free and equal.

Sec. 6. That the ancient mode of trial by jury shall be held sacred, and the right thereof remain inviolate.

Sec. 7. That printing presses shall be free to every person who undertakes to examine the proceedings of the legislature or any branch of government; and no law shall ever be made to restrain the right thereof. The free communication of thoughts and opinions is one of the invaluable rights of man, and every citizen may freely speak, write and print on any subject, being responsible for the abuse of that liberty.

Sec. 8. In prosecutions for the publication of papers investigating the official conduct of officers, or men in a public capacity, or where the matter published is proper for public information, the truth thereof may be given in evidence. And in all indictments for libels, the jury shall have a right to determine the law and the facts, under the direction of the court, as in other cases.

Sec. 9. That the people shall be secure in their persons, houses, papers, and possessions from unreasonable seizures and searches; and that no warrant to search any place or to seize any person or things, shall issue without describing them as nearly as may be, nor without probable cause supported by oath or affirmation.

Sec. 10. That in all criminal prosecutions, the accused hath a right to be heard by himself and counsel; to demand the nature and cause of the accusation against him, to meet the witnesses face to face, to have compulsory process for obtaining witnesses in his favor; and in prosecutions by indictment or information, a speedy public trial by an impartial jury of the vicinage; that he cannot be compelled to give evidence against himself, nor can he be deprived of his life, liberty or property, unless by the judgment of his peers, or the law of the land.

Sec. 11. That no person shall, for any indictable offence, be proceeded against criminally by information, except in cases arising in the land or naval forces, or the militia when in actual service, in time of war or public danger, by leave of the court, for oppression or misdemeanor in office.

Sec. 12. No person shall, for the same offence, be twice put in jeopardy of his life or limb, nor shall any man's property be taken or applied to public use without the consent of his representatives, and without just compensation being previously made to him.

Sec. 13. That all courts shall be open, and every person for any injury done him in his lands, goods, person or reputation, shall have remedy by the due course of law; and right and justice administered without sale, denial or delay.

Sec. 14. That no power of suspending laws shall be exercised, unless by the legislature or its authority.

Sec. 15. That excessive bail shall not be required, nor excessive fines imposed, nor cruel punishments inflicted.

Sec. 16. That all prisoners shall be bailable by sufficient securities, unless for capital offences, when the proof is evident or presumption great; and the privilege of the writ of *habeas corpus* shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

Sec. 17. That the person of a debtor, where there is not strong presumption of fraud, shall not be continued in prison after delivering up his estate for the benefit of his creditors, in such manner as shall be prescribed by law.

Sec. 18. That no ex post facto law, nor any law impairing contracts, shall be made.

Sec. 19. That no person shall be attainted of treason or felony by the legislature.

Sec. 20. That no attainder shall work corruption of blood, nor except during the life of the offender, forfeiture of estate to the commonwealth.

Sec. 21. That the estates of such persons as shall destroy their own lives, shall descend or vest as in case of natural death; and if any person shall be killed by casualty, there shall be no forfeiture by reason thereof.

Sec. 22. That the citizens have a right in a peaceable manner to assemble together for their common good, and to apply to those invested with the powers of government for redress of grievances, or other proper purposes, by petition, address, or remonstrance.

Sec. 23. That the right of the citizens to bear arms in defence of themselves and the state, shall not be questioned.

Sec. 24. That no standing army shall in time of peace, be kept up without the consent of the legislature, and the military shall in all cases, and at all times, be in strict subordination to the civil power.

Sec. 25. That no soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.

Sec. 26. That the legislature shall not grant any title of nobility or hereditary distinction, nor create any office, the appointment to which shall be for a longer term than during good behavior.

Sec. 27. That emigration from the state shall not be prohibited.

Sec. 28. To guard against transgressions of the high powers which we have delegated, *we declare*, that every thing in this article is excepted out of the general powers of government, and shall forever remain inviolate; and that all laws contrary thereto, or contrary to this constitution, shall be void.

SCHEDULE.

That no inconvenience may arise from the alterations and amendments made in the constitution of this commonwealth, and in order to carry the same into complete operation, it is hereby declared and ordained:

Sec. 1. That all laws of this commonwealth in force at the time of making the said alterations and amendments, and not inconsistent therewith, and all rights, actions, prosecutions, claims and contracts, as well of individuals as of bodies corporate, shall continue, as if the said alterations and amendments had not been made.

Sec. 2. That all officers now filling any office or appointment, shall continue in the exercise of the duties of their respective offices or appointments for the terms therein expressed unless by this constitution it is otherwise directed.

Sec. 3. The oaths of office herein directed to be taken, may be administered by any justice of the peace, until the legislature shall otherwise direct.

Sec. 4. The general assembly, to be held in November next, shall apportion the representatives and senators, and lay off the state into senatorial districts conformable to the regulations prescribed by this constitution. In fixing those apportionments, and in establishing those districts, they shall take for their guide the enumeration directed by law to be made in the present year, by the commissioners of the tax, and the apportionments thus made, shall remain unaltered until the end of the stated annual sessions of the general assembly in the year eighteen hundred and three.

Sec. 5. In order that no inconvenience may arise, from the change made by this constitution, in the time of holding the general election, it is hereby ordained that the first election for governor, lieutenant-governor, and members of the general assembly, shall commence on the first Monday in May, in the year eighteen hundred. The persons then elected shall continue in office during the several terms of service prescribed by this constitution, and until the next general election, which shall be held after their said terms shall have respectively expired. The returns for the said first election of governor and lieutenant-governor, shall be made to the secretary, within fifteen days from the day of election, who shall, as soon as may be, examine and count the same in the presence of at least two judges of the court of appeals, or district courts, and shall declare who are the persons thereby duly elected, and give them official notice of their election; and if any persons shall be equal and highest on the poll, the said judges and secretary shall determine the election by lot.

Sec. 6. This constitution, except so much thereof as is therein otherwise directed, shall not be in force, until the first day of June, in the year eighteen hundred; on which day the whole thereof shall take full and complete effect.

Done in convention at Frankfort, the seventeenth day of August, one thousand seven hundred and ninety-nine, and of the Independence of the United States of America, the twenty-fourth.

ALEXANDER S. BULLIT, P. C.
Member from Jefferson.

Bourbon,
John Allen,
Charles Smith,
Robert Wilmot,
James Duncan,
William Griffith,
Nathaniel Rogers,
William Suddoth.
Christian.
Young Ewing.
Fayette.
John Breckenridge,
John M'Dowell,
John Bell,
H. Harrison,
B. Thurston,
Walter Carr.
Franklin.
Harry Innis,
John Logan.
Flemming.
George Stockton.
Garrard.
William M'Bledsoe.
Green.
William Casey.
Harrison.
Henry Coleman.
William Elliot Boswell.
Jefferson.
Richard Taylor.
Jessamine.
John Price.
Lincoln.
William Logan,
N. Huston.
Logan.
John Bailey,
Reuben Ewing.
Mason.
Philemon Thomas,
Breckin.
Philip Buckner,
Campbell.
Thomas Sandford.
Clarke.
Robert Clark,
R. Hickman,
Thomas Marshal, jun.
Joshua Baker.
Mercer.
Peter Brunner,
John Adair,
Thomas Allen,
Samuel Taylor.
Madison.
Green Clay,
Thomas Clay,
William Irvine.
Montgomery.
Jilson Payne.
Nelson.
John Rowan,
Richard Prather,
Nicholas Minor.
Shelby.
Benjamin Logan,
Abraham Owen.
Scott.
William Henry,
Robert Johnson.
Woodford.
Caleb Wallace,
William Steel.
Washington.
Felix Grundy,
Robert Abell.
Warren.
Alexander Davidson.

Constitution of Tennessee.

The Constitution of the state of Tennessee, unanimously established in Convention, at Knoxville, on the sixth day of February, one thousand seven hundred and ninety-six.

We, the people of the territory of the United States, south of the river Ohio, having the right of admission into the general government, as a member state thereof, consistent with the constitution of the United States, and the act of session of the state of North Carolina, recognizing the ordinance for the government of the territory of the United States north-west of the river Ohio, do ordain and establish the following constitution or form of government: and do mutually agree with each other to form ourselves into a free and independent state, by the name of *the state of Tennessee.*

ARTICLE I.

Section I. The legislative authority of this state shall be vested in a general assembly, which shall consist of a senate and house of representatives, both dependent on the people.

II. Within three years after the first meeting of the general assembly, and within every subsequent term of seven years, an enumeration of the taxable inhabitants shall be made in such a manner as shall be directed by law; the number of representatives shall, at the several periods of making such enumeration, be fixed by the legislature, apportioned among the several counties, according to the number of taxable inhabitants in each; and shall never be less than twenty-two, nor greater than twenty-six, until the number of taxable inhabitants shall be forty thousand; and after that event, at such ratio that the whole number of representatives shall never exceed forty.

III. The number of senators shall, at the several periods of making the enumeration beforementioned, be fixed by the legislature, and apportioned among the districts, formed as hereinafter directed, according to the number of taxable inhabitants in each, and shall never be less than one-third, nor more than one-half of the number of representatives.

IV. The senators shall be chosen by districts, to be formed by the legislature, each district containing such a number of taxable inhabitants, as shall be entitled to elect not more than three senators. When a district shall be composed of two or more counties, they shall be adjoining, and no county shall be divided in forming a district.

V. The first election for senators and representatives, shall commence on the second Thursday of March next, and shall continue for that, and the succeeding day; and the next election shall commence on the first Thursday of August, one thousand seven hundred and ninety-seven, and shall continue on that and the succeeding day; and forever thereafter, elections shall be held once in two years, commencing on the first Thursday in August, and terminating the succeeding day.

VI. The first session of the general assembly shall commence on the last Monday of March next. The second on the third Monday of September, one thousand seven hundred and ninety-seven. And forever thereafter, the general assembly shall meet on the third Monday of September next ensuing the then election, and at no other period, unless as provided for by this constitution.

VII. That no person shall be eligible to a seat in the general assembly unless he shall have resided three years in the state, and one year in the county immediately preceding the election, and shall possess in his own right in the county which he represents, not less than two hundred acres of land, and shall have attained to the age of twenty-one years.

VIII. The senate and house of representatives, when assembled, shall each chose a speaker and its other officers, be judges of the qualifications and elections of its members, and sit upon its own adjournments from day to day. Two-thirds of each house shall constitute a quorum to do business: but a smaller number may adjourn from day to day, and may be authorised by law, to compel the attendance of absent members.

IX. Each house may determine the rules of its proceedings, punish its members for disorderly behaviour, and with the concurrence of two thirds, expel a member, but not a second time for the same offence, and shall have all other powers necessary for the legislature of a free state.

X. Senators and representatives, shall in all cases, except treason, felony, or breach of the peace, be privileged from arrest during the session of the general assembly and in going to, and returning from the same; and for any speech or debate in either house, they shall not be questioned in any other place.

XI. Each house may punish, by imprisonment, during their session, any person, not a member, who shall be guilty of disrespect to the house, by any disorderly or contemptuous behaviour in their presence.

XII. When vacancies happen in either house, the governor for the time being, shall issue writs of election to fill such vacancies.

XIII. Neither house shall, during their session, adjourn without the consent of the other for more than three days, nor to any other place than that in which the two houses shall be sitting.

XIV. Bills may originate in either house, but may be amended, altered, or rejected by the other.

XV. Every bill shall be read three times, on three different days, in each house, and be signed by the respective speakers before it becomes a law.

XVI. After a bill has been rejected, no bill containing the same substance, shall be passed into a law during the same session.

XVII. The style of the laws of this state shall be, *Be it enacted by the general assembly of the state of Tennessee.*

XVIII. Each house shall keep a journal of its proceedings, and publish them except such parts as the welfare of the state may

require to be kept secret. And the *yeas* and *nays* of the members on any question, shall at the request of any two of them, be entered on the journals.

XIX. The doors of each house, and committees of the whole, shall be kept open, unless when the business shall be such as ought to be kept secret.

XX. The legislature of this state shall not allow the following officers of government greater annual salaries than as follows, until the year one thousand eight hundred and four, *to wit*:

The governor not more than seven hundred and fifty dollars.

The judges of the supreme courts not more than six hundred dollars each.

The secretary not more than four hundred dollars.

The treasurer or treasurers not more than *four per cent.* for receiving and paying out all monies.

The attorney or attornies for the state shall receive a compensation for their services, not exceeding fifty dollars for each superior court which he shall attend.

No member of the legislature shall receive more than one dollar and seventy-five cents per day, nor more for every twenty-five miles he shall travel in going to, and returning from the general assembly.

XXI. No money shall be drawn from the treasury, but in consequence of appropriations made by law.

XXII. No person who heretofore hath been, or hereafter may be a collector or holder of public monies, shall have a seat in either house of the general assembly, until such person shall have accounted for, and paid into the treasury all sums for which he may be accountable or liable.

XXIII. No judge of any court of law or equity, secretary of state, attorney general, register, clerk of any court of record, or person holding any office under the authority of the United States, shall have a seat in the general assembly: nor shall any person in this state, hold more than one lucrative office at one and the same time; provided that no appointment in the militia, or the office of a justice of the peace, shall be considered as a lucrative office.

XXIV. No member of the general assembly shall be eligible to any office or place of trust, except to the office of a justice of the peace, or trustee of any literary institution, where the power of appointment to such office or place of trust is vested in their own body.

XXV. Any member of either house of the general assembly, shall have liberty to dissent from, and protest against any act or resolve which he may think injurious to the public, or any individual, and the have reasons of his dissent entered on the journals.

XXVI. All lands liable to taxation, in this state, held by deed, grant, or entry, shall be taxed equal and uniform, in such manner, that no one hundred acres shall be taxed higher than another, except town lots, which shall not be taxed higher than two hundred acres of land each: no freeman shall be taxed higher than one hundred acres, and no slave higher than two hundred acres, on each poll.

XXVII. No article manufactured of the produce of this state, shall be taxed otherwise than to pay inspection fees.

ARTICLE II.

I. The supreme executive power of this state, shall be vested in a governor.

II. The governor shall be chosen by the electors of the members of the general assembly, at the times and places where they shall respectively vote for the members thereof. The returns of every election for governor shall be sealed up, and transmitted to the seat of government, by the returning officers, directed to the speaker of the senate, who shall open and publish them in the presence of a majority of the members of each house of the general assembly. The person having the highest number of votes, shall be governor; but if two or more shall be equal, and highest in votes, one of them shall be chosen governor by joint ballot of both houses of the general assembly. Contested elections for governor, shall be determined by both houses of the general assembly, in such manner as shall be prescribed by law.

III. He shall be at least twenty-five years of age, and possess a freehold estate of five hundred acres of land, and have been a citizen or inhabitant of this state four years next before his election, unless he shall have been absent on the public business of the United States, or of this state.

IV. The first governor shall hold his office until the fourth Tuesday of September, one thousand seven hundred and ninety-seven, and until another governor shall be elected and qualified to office; and forever after, the governor shall hold his office for the term of two years, and until another governor shall be elected and qualified; but shall not be eligible more than six years in any term of eight.

V. He shall be commander in chief of the army and navy of this state, and of the militia, except when they shall be called into the service of the United States.

VI. He shall have power to grant reprieves and pardons, after conviction, except in cases of impeachment.

VII. He shall, at stated times, receive a compensation for his services, which shall not be increased or diminished during the period for which he shall have been elected.

VIII. He may require information in writing, from the officers in the executive department, upon any subject relating to the duties of their respective offices.

IX. He may, on extraordinary occasions, convene the general assembly by proclamation, and shall state to them when assembled, the purpose for which they shall have been convened.

X. He shall take care that the laws shall be faithfully executed.

XI. He shall, from time to time, give to the general assembly, information of the state of the government, and recommend to their consideration such measures as he shall judge expedient.

XII. In case of his death, or resignation, or removal from office, the speaker of the senate shall exercise the office of governor, until another governor shall be qualified.

XIII. No member of congress, or person holding any office under the United States or this state, shall execute the office of governor.

XIV. When any officer, the right of whose appointment is by this constitution vested in the general assembly, shall, during the recess, die, or his office by other means become vacant, the governor shall have power to fill up such vacancy by granting a temporary commission, which shall expire at the end of the next session of the legislature.

XV. There shall be a seal of the state, which shall be kept by the governor, and used by him officially, and shall be called the great seal of the state of Tennessee.

XVI. All grants and commissions shall be in the name and by the authority of the state of Tennessee, be sealed with the state seal, and signed by the governor.

XVII. A secretary of this state shall be appointed and commissioned during the term of four years. He shall keep a fair register of all the official acts and proceedings of the governor; and shall, when, required lay the same, and all papers, minutes and vouchers relative thereto, before the general assembly, and shall perform such other duties as shall be enjoined him by law.

ARTICLE III.

I. Every freeman of the age of twenty-one years, and upwards, possessing a freehold in the county wherein he may vote, and being an inhabitant of this state, and every freeman being an inhabitant of any one county in the state, six months immediately preceding the day of election, shall be entitled to vote for members of the general assembly, for the county in which he shall reside.

II. Electors shall, in all cases, except treason, felony or breach of the peace, be privileged from arrest during their attendance at elections, and in going to and returning from them.

III. All elections shall be by ballot.

ARTICLE IV.

I. The house of representatives shall have the sole power of impeachment.

II. All impeachments shall be tried by the senate. When sitting for that purpose, the senators shall be upon oath or affirmation.

III. No person shall be convicted without the concurrence of two-thirds of the members of the whole house.

IV. The governor, and all civil officers under this state, shall be liable to impeachment for any misdemeanor in office; but judgment, in such cases, shall not extend further than removal from office, and disqualification to hold any office of honor, trust or profit, under this state. The party shall, nevertheless, in all cases, be liable to indictment, trial, judgment and punishment, according to law.

ARTICLE V.

I. The judiciary power of this state shall be vested in such superior and inferior courts of law and equity, as the legislature shall, from time to time, direct and establish.

II. The general assembly shall, by joint ballot of both houses, appoint judges of the several courts of law and equity, also an attorney or attornies for the state, who shall hold their respective offices during good behavior.

III. The judges of the superior court shall, at stated times, receive a compensation for their services, to be ascertained by law, but shall not be allowed any fees, or perquisites of office, nor shall they hold any other office or trust or profit under this state, or the States.

IV. The judges of the superior court shall be justices of oyer and terminer and general goal delivery throughout the state.

V. The judges of the superior and inferior courts shall not charge juries with respect to matters of fact, but may state the testimony and declare the law.

VI. The judges of the superior courts shall have power in all civil cases, to issue writs of *certiorari*, to remove any cause, or a transcript thereof, from any inferior court of record into the superior, on sufficient cause, supported by oath or affirmation.

VII. The judges or justices of the inferior courts of law shall have power, in all cases, to issue writs of *certiorari*, to remove any cause, or a transcript thereof, from any inferior jurisdiction into their court, on sufficient cause, supported by oath or affirmation.

VIII. No judge shall sit on the trial of any cause where the parties shall be connected with him by affinity or consanguinity, except by consent of parties. In case all the judges of the superior court shall be interested in the event of any cause, or related to all or either of the parties, the governor of the state shall, in such case, specially commission three men, of law knowledge, for the determination thereof.

IX. All writs and other process, shall run, *In the name of the state of Tennessee;* and bear test, and be signed by the respective clerks. Indictments shall conclude, *against the peace and dignity of the state.*

X. Each court shall appoint its own clerk, who may hold his office during good behavior.

XI. No fine shall be laid on any citizen of this state, that shall exceed fifty dollars, unless it shall be assessed by a jury of his peers, who shall assess the fine at the time they find the fact, if they think the fine ought to be more than fifty dollars.

XII. There shall be justices of the peace appointed for each county, not exceeding two for each captain's company, except for the company which includes the county town, which shall not exceed three, who shall hold their offices during good behavior.

ARTICLE VI.

There shall be appointed in each county, by the county court, one sheriff, one coroner, one trustee, and a sufficient number of constables, who shall hold their offices for two years. They shall also have power to appoint one register and ranger for the county, who shall hold their offices during good behavior. The sheriff and coroner shall be commissioned by the governor.

II. There shall be a treasurer or treasurers appointed for the state, who shall hold his or their offices for two years.

III. The appointment of all officers, not otherwise directed by this constitution, shall be vested in the legislature.

ARTICLE VII.

I. Captains, subalterns, and non-commissioned officers, shall be elected by those citizens, in their respective districts, who are subject to military duty.

II. All field officers of the militia shall be elected by those citizens in their respective counties who are subject to military duty.

III. Brigadiers-general shall be elected by the field officers of their respective brigades.

IV. Majors-general shall be elected by the brigadiers and field officers of the respective divisions.

V. The governor shall appoint the adjutant-general; the majors-general shall appoint their aids; the brigadiers-general shall appoint their brigade-majors, and the commanding-officers of regiments, their adjutants and quarter-masters.

VI. The captains and the subalterns of the cavalry shall be appointed by the troops enrolled in their respective companies, and the field officers of the districts shall be appointed by the said captains and subalterns, provided that whenever any new county is laid off, that the field officers of said cavalry shall appoint the captain and other officers therein, *pro tempore*, until the company is filled up and completed, at which time the election of the captains and subalterns shall take place as aforesaid.

VII. The legislature shall pass laws, exempting citizens, belonging to any sect, or denomination of religion, the tenets of which are known to be opposed to the bearing of arms, from attending private and general musters.

ARTICLE VIII.

I. Whereas the ministers of the gospel are, by their profession, dedicated to God and the care of souls, and ought not to be diverted from the great duties of their functions; therefore no minister of the gospel, or priest of any denomination whatever, shall be eligible to a seat in either house of the legislature.

II. No person who denies *the being of God or a future state of rewards and punishments*, shall hold any office in the civil department of this state.

ARTICLE IX.

I. That every person who shall be chosen or appointed to any office of trust or profit, shall, before entering on the execution thereof, take an oath to support the constitution of this state, and also an oath of office.

II. That each member of the senate and house of representatives, shall, before they proceed to business, take an oath or affirmation to support the constitution of this state, and also the following oath:

I, A. B. do solemnly swear (or affirm) that, as a member of this general assembly, I will, in all appointments vote without favor, affection, partiality, or prejudice, and that I will not propose or assent to any bill, vote or resolution which shall appear to me injurious to the people, or consent to any act or thing whatever, that shall have a tendency to lessen or abridge their rights and privileges, as declared by the constitution of this state.

III. Any elector who shall receive any gift or reward for his vote, in *meat, drink, money*, or otherwise, shall suffer such punishment as the laws shall direct. And any person who shall directly or indirectly give, promise, or bestow any such reward to be elected, shall thereby be rendered incapable, for two years, to serve in the office for which he was elected, and be subject to such further punishment as the legislature shall direct.

IV. No new county shall be established by the general assembly, which shall reduce the county or counties, or either of them, from which it shall be taken, to a less content than six hundred and twenty-five square miles. Nor shall any new county be laid off, of less contents. All new counties, as to the right of suffrage and representation, shall be considered as a part of the county or counties from which it was taken until entitled by numbers to the right of representation. No bill shall be passed into a law, for the establishment of a new county, except upon a petition to the general assembly for that purpose, signed by two hundred of the free male inhabitants within the limits or bounds of such new county prayed to be laid off.

ARTICLE X.

I. Knoxville shall be the seat of government, until the year one thousand eight hundred and two.

II. All laws and ordinances now in force and use in this territory, not inconsistent with this constitution, shall continue to be in force and use in this state, until they shall expire, be altered, or repealed by the legislature.

III. That whenever two-thirds of the general assembly shall think it necessary to amend or change this constitution, they shall recommend to the electors, at the next election for members to the general assembly, to vote for or against a convention; and if it shall appear that a majority of all the citizens of the state, voting for representatives, have voted for a convention, the general assembly shall, at their next session, call a convention, to consist of as many members as there may be in the general assembly, to be chosen in the same manner, at the same place, and by the same electors that choose the general assembly, who shall meet within three months after the said election, for the purpose of revising, amending or changing the constitution.

IV. The declaration of rights hereto annexed, is declared to be a part of the constitution of this state, and shall never be violated on any pretence whatever. And to guard against transgressions of the high powers which we have delegated, we declare, that every thing in the bill of rights contained, and every other right not hereby delegated, is excepted out of the general powers of government, and shall forever remain inviolate.

ARTICLE IX.—*Declaration of Rights.*

I. That all power is inherent in the people, and all free governments are founded on their authority, and instituted for their peace, safety, and happiness; for the advancement of those ends, they have at all times an unalienable and indefeisible right to alter, reform or abolish the government in such manner as they may think proper.

II. That government being instituted for the common benefit, the doctrine of non-resistance against arbitrary power and oppression, is absurd, slavish, and destructive to the good and happiness of mankind.

III. That all men have a natural and indefeisible right to worship *Almighty God* according to the dictates of their own conscience; that no man can of right be compelled to attend, erect or support, any place of worship, or to maintain any ministry against his consent, that no human authority can in any case whatever control or interfere with the rights of conscience; and that no preference shall ever be given by law to any religious establishments or modes of worship.

IV. That no religious test shall ever be required as a qualification to any office or public trust under this state.

V. That elections shall be free and equal.

VI. That the right of trial by jury shall remain inviolate.

VII. That the people shall be secure in their persons, houses papers, and possessions, from unreasonable searches and seizures, and that general warrants, whereby an officer may be commanded to search suspected places, without evidence of the fact committed or to seize any person or persons, not named, whose offences are not particularly described and supported by evidence, are dangerous to liberty, and ought not to be granted.

VIII. That no freeman shall be taken, or imprisoned, or disseized of his freehold, liberties, or privileges, or outlawed, or exiled, or in any manner destroyed, or deprived of his life, liberty, or property, but by the judgment of his peers, or the law of the land.

IX. That in all criminal prosecutions, the accused hath a right to be heard by himself and his counsel, to demand the nature and cause of the accusation against him, and to have a copy thereof; to meet the witnesses face to face; to have compulsory process for obtaining witnesses in his favor; and in prosecutions by indictment, or presentment, a speedy public trial, by an impartial jury of the county or district in which the crime shall have been committed; and shall not be compelled to give evidence against himself.

X. That no person shall, for the same offence, be twice put in jeopardy of his life or limb.

XI. The laws made for the punishment of facts committed previous to the existence of such laws, and by them only declared criminal, are contrary to the principles of a free government; wherefore no *ex post facto* law shall be made.

XII. That no conviction shall work corruption of blood or forfeiture of estate. The estate of such persons as shall destroy their own lives, shall descend or vest as in case of natural death. If any person be killed by casualty, there shall be no forfeiture in consequence thereof.

XIII. That no person arrested, or confined in gaol, shall be treated with unnecessary rigor.

XIV. That no freeman shall be put to answer any criminal charge, but by presentment, indictment or impeachment.

XV. That all prisoners shall be bailable by sufficient sureties, unless for capital offences, when the proof is evident or the presumption great. And the privilege of the writ of *habeas corpus* shall not be suspended, unless when in case of rebellion or invasion the public safety may require it.

XVI. That excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

XVII. That all courts shall be open; and every man, for an injury done him in his lands, goods, person, or reputation, shall have remedy by due course of law, and right and justice administered without sale, denial, or delay. Suits may be brought against the state in such manner, and in such courts as the legislature may by law direct, provided the right of bringing suit be limited to the citizens of this state.

XVIII. That the person of a debtor, where there is not strong presumption of fraud, shall not be continued in prison, after delivering up his estate for the benefit of his creditor or creditors, in such manner as shall be prescribed by law.

XIX. That the printing presses shall be free to every person who undertakes to examine the proceedings of the legislature, or of any branch or officer of government; and no law shall ever be made to restrain the right thereof. The free communication of thoughts and opinions, is one of the invaluable rights of man; and every citizen may freely speak, write, and print on any subject, being responsible for the abuse of that liberty. But in prosecutions for the publications of papers investigating the official conduct of officers or men in public capacity, the truth thereof may be given in evidence; and in all indictments for libels, the jury shall have a right to determine the law and the facts, under the direction of the court, as in other cases.

XX. That no retrospective laws, or law, impairing the obligation of contracts, shall be made.

XXI. That no man's particular services shall be demanded, or property taken, or applied to public use, without the consent of

his representatives, or without just compensation being made therefor.

XXII. That the citizens have a right, in a peaceable manner, to assemble together for their common good, to instruct their representatives, and to apply to those invested with the powers of government for redress of grievances, or other proper purposes, by address or remonstrance.

XXIII. That perpetuities and monopolies are contrary to the genius of a free state, and shall not be allowed.

XXIV. That the sure and certain defence of a free pepole is a well regulated militia: and, as standing armies in time of peace are dangerous to freedom, they ought to be avoided as far as the circumstances and safety of the community will admit; and that in all cases the military shall be kept in strict subordination to the civil authority.

XXV. That no citizen in this state, except such as are employed in the army of the United States, or militia in actual service, shall be subjected to corporeal punishment under the martial law.

XXVI. That the freemen of this state have a right to keep and to bear arms for their common defence.

XXVII. That no soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor in time of war, but in a manner prescribed by law.

XXVIII. That no citizen of this state shall be compelled to bear arms, provided he will pay an equivalent to be ascertained by law.

XXIX. That an equal participation of the free navigation of the Mississippi, is one of the inherent rights of the citizens of this state; it cannot, therefore, be conceded to any prince, potentate, power, person or persons whatever.

XXX. That no hereditary emoluments, privileges, or honors shall ever be granted or conferred in this state.

XXXI. That the people residing south of French Broad and Holston, between the rivers Tennessee and the Big Pigeon, are entitled to the right of pre-emption and occupancy in that tract.

XXXII. That the limits and boundaries of this state be ascertained, it is declared they are as hereafter mentioned; that is to say: Beginning on the extreme height of the Stone Mountain, at the place where the line of Virginia intersects it, in latitude thirty-six degrees and thirty minutes north—running thence along the extreme height of the said mountain, to the place where Watauga river breaks through it; thence a direct course to the top of the Yellow Mountain, where Bright's road crosses the same; thence along the ridge of said mountain between the waters of Doe River and the waters of Rock creek to the place where the road crosses the Iron Mountain; from thence along the extreme height of said mountain to the place where Nolichuky river runs through the same; thence to the top of the Bald Mountain: thence along the extreme height of said mountain to the painted rock, on French Broad River; thence along the highest ridge of said mountain, to the place where it is called the Great-Iron or Smoky Mountain; thence along the extreme height of said mountain to the place where it is called Unicoi or Unaka Mountain, between the Indian towns of Cowee and Old Chota; thence along the main ridge of the said mountain to the southern boundary of this state, as described in the act of cession of North Carolina to the United States of America; and that all the territory, lands, and waters, lying west of the said line, as before mentioned, and contained within the chartered limits of the state of North Carolina, are within the boundaries and limits of this state, over which the people have the right of exercising sovereignty and the right of soil, so far as is consistent with the constitution of the United States, recognizing the articles of confederation the bill of rights and constitution of North Carolina, the cession act of the said state and ordinance of the late congress, for the government of the territory northwest of the Ohio; provided, nothing herein contained shall extend to affect the claim or claims of individuals, to any part of the soil which is recognized to them by the aforesaid cession act.

SCHEDULE.

I. That no inconvenience may arise from a change of the temporary to a permanent state government, it is declared, that all rights, actions, prosecutions, claims, and contracts, as well of individuals as of bodies corporate, shall continue, as if no change had taken place in the administration of government.

II. All fines, penalties and forfeitures, due and owing to the tertory of the United States of America south of the river Ohio, shall enure to the use of the state. All bonds for performance, executed to the governor of the said territory, shall be and pass over to the governor of this state, and his successors in office, for the use of the state, or by him or them respectively to be assigned over to the use of those concerned, as the case may be.

III. The governor, secretary, judges, and brigadiers-general have a right, by virtue of their appointments, under the authority of the United States, to continue in the exercise of the duties of their respective offices, in their several departments, until the said officers are superceded under the authority of this constitution.

IV. All officers, civil and military, who have been appointed by the governor, shall continue to exercise their respective offices until the second Monday in June, and until successors in office shall be appointed under the authority of this constitution, and duly qualified.

V. The governor shall make use of his private seal, until a state seal shall be provided.

VI. Until the first enumeration shall be made, as directed in the second section of the first article of this constitution, the several counties shall be respectively entitled to elect one senator and two representatives: Provided that no new county shall be entitled to separate representation previous to taking the enumeration.

VII. That the next election for representatives and other officers, to be held for the county of Tennessee, shall be held at the house of *William Miles*.

VIII. Until a land office shall be opened so as to enable the citizens south of French Broad and Holston, between the rivers Tennessee and Big Pigeon, to obtain titles upon their claims of occupancy and preemption, those who hold land by virtue of such claims, shall be eligible to serve in all capacities where a freehold is by this constitution made a requisite qualification.

Done in convention, at Knoxville, by unanimous consent, on the sixth day of February, in the year of our Lord, one thousand seven hundred and ninety-six, and of the Independence of the United States of America, the twentieth. In testimony of, we have hereunto subscribed our names.

WILLIAM BLOUNT, President.

Blount county.
David Craig,
James Greenaway,
Joseph Black,
James Houston,
Samuel Glass.

Davidson county.
John M'Nairy,
Andrew Jackson,
James Robertson,
Thomas Hardiman,
Joel Lewis.

Sullivan county.
George Rutledge,
William C. C. Claiborne,
Richard Gammon,
John Shelby, jun.
John Rhea.

Green county.
Samuel Frazier,
Stephen Brooks,
William Rankin,
Elisha Baker,
John Galbreath.

Jefferson county.
Alexander Outlaw,
Joseph Anderson,
George Doherty,
James Roddye,
Archibald Roane.

Sevier county.
Peter Bryan,
Samuel Wier,
Spencer Clack,
John Clack,
Thomas Buckenham.

Hawkins county.
James Berry,
Joseph M'Min,
Thomas Henderson,
William Cocke,
Richard Mitchell.

Sumner county.
David Shelby,
Isaac Walson,
W. Douglass,
Edward Douglass,
Daniel Smith.

Tennessee county.
Thomas Johnson,
James Ford,
William Fort,
William Prince,
Robert Prince.

Washington county.
John Tipton,
Samuel Handy,
Lecroy Taylor,
Landon Carter,
James Stuart,

Knox county.
James White,
Charles M'Clung,
John Crawford,
John Adair.

Attest, WILLIAM MECHLIN, Secretary.

☞ *The constitutions of* OHIO *and* LOUISIANA, *will be inserted in an appendix to be issued with the last number of the next volume—the fourth.*

Released Americans.

Enough (some persons may suppose) has been published on impressments. But the subject is fruitful in incidents that deserve to be recorded. We have made the broad assertion, that there is no *British* vessel of war destitute of impressed *American* seamen, be her station where it may; and solemnly believe the fact. The policy of the man-stealer scattering the kidnapped through all his ships for the most abominable purpose of keeping their friends ignorant of their fate. Every time that the *bloody cross* has come down we find proof of our assertion—but the following presents us facts that should always be remembered—these solitary cases have been nobly avenged.

6257 IMPRESSED AMERICAN SEAMEN.

Evidence laid before Congress, Jan. 15, 1812.

The original documents, containing the *names* and particulars of each seamen, are left with the printer, where any doubting American may call and be satisfied. [*N. Y. paper.*

I BEEKMAN VER PLANK HOFFMAN, of the town of Poughkeepsie, do certify, that I am a lieutenant in the United States navy; that I was on board the Constitution frigate in the action and capture of the Guerriere; that after such surrender, I was sent on board, and after taking out the crew, fired and blew up the ship; that eight impressed American seamen were among the crew of the Guerriere, who were liberated at Boston. I was also on board the Constitution in the action with the Java, and was sent on board that vessel, and after the crew was removed, set her on fire and blew her up. Amongst the crew of the Java thirteen American seamen were

ound, three of whom had entered the British service and were left, the other ten were liberated as Americans.

Dated Poughkeepsie, April 16, 1813.

B. V. HOFFMAN.

Duchess county, ss.

RICHARD TOMPKINS, being sworn, saith, that he is a native of New-Paltz, opposite Poughkeepsie, that he sailed from Wilmington about the 28th of April, 1810, on board the Warren, Wm. Kelly captain, for Cork. On the homeward passage, in September following, he was impressed and taken on board the Peacock, a British sloop of war, and compelled to do duty: That while on board that vessel, he made many unsuccessful attempts to write to his friends informing them of his situation. He further saith' that after he heard of the war, himself and two other impressed American seamen, who were on board the Peacock; went aft, to the captain, claimed to be considered American prisoners of war, and refused to do duty any longer. They were ordered off the quarter-deck, and the captain called for the *master at arms*, and ordered us to be put in irons; we were then kept in irons about twenty-four hours, when we were taken out; brought to the gangway, stripped of our clothes, tied and whipped, each one dozen and a half lashes, and put to duty.

He further saith, that he was kept on board the Peacock, and done duty till the action with the Hornet—after the Hornet hoisted American colors, he and the other impressed American again went to the captain of the Peacock, asked to be sent below, said it was an American ship, and that they did not wish to fight against their country. The captain ordered us to our quarters; called midshipman *Stone* to do *his* duty; and if we did not do our duty, to blow our brains out—"aye!! aye!!" was answered by Stone, who then held a pistol to my head, and ordered us to our places. We then continued at our places, and was compelled to fight till the Peacock struck; and we were liberated after an impressment of about two years and eight months.

his
RICHARD ⋈ TOMPKINS.
mark

Poughkeepsie, April 17, 1813.

Read over and signed in the presence of
JOSEPH HARRIS,
JOHN S. FREAR.

Duchess county, ss.

JAMES TOMPKINS being sworn, saith, that he is a native of Ulster county, opposite to Poughkeepsie; that he sailed out of New-York in the month of April 1812, in the ship Minerva, bound to Ireland; that on the homeward bound passage in July after, this deponent, with three other American seamen, *Sam'l Davis*, *Wm. Young* and *John Brown*, were impressed and taken on board the British ship Acteon, David Smith captain. We were taken on Saturday evening; on Monday morning we were brought to the gangway, and informed we must enter on board ship, and live as the other seamen, or we should live on oat-meal and water, and receive five dozen lashes. This deponent says, himself and the other three impressed with him, did refuse to enter, and each of them were whipped five dozen lashes. On Wednesday following we were again all brought up, and had the same offer made to us to enter, which we refused, and were again whipped four dozen lashes. On Saturday after, the like offer was made to us; and on our refusal, we were again whipped three dozen lashes each. On Monday following, still refusing to enter, we were again whipped two dozen each. On Wednesday following, we were again whipped one dozen each, and ordered to be taken below, and put in irons till we did enter; and the captain said he would *punish the damn'd Yankee rascals till they did enter*. We were then put in irons, and laid in irons three months.

During the time of our impressment, the ship had an action and captured a French ship. Before this action we were taken out of irons and asked to fight, but we refused; and after the action we were again ironed, where we remained till the ship arrived at London. After arriving there we first heard of the war with America, and that the Guerriere was taken. This deponent took his shirt, Samuel Davis and Wm. Young took their handkerchiefs, made stripes and stars for the American colors, and hung it over a gun, and gave three cheers for the victory. The next morning at 6 o'clock, we were brought up and whipped two dozen lashes each for huzzaing for the Yankee flag. Shortly after this we were all released by the assistance of the American consul and capt. Hall, who knew us.

This deponent further saith, that they all had protections, and shewed them, and claimed to be Americans, at the time they were impressed.

JAMES TOMPKINS.

Sworn before me this 27th day of April, 1813, at which time the said James Tompkins shewed me his wrists, which, at his request, I examined, there appeared to be marks of scars on both of them, occasioned, as I supposed, from his having been in irons. WM. W. BOGARDUS,
Justice of the Peace.

END OF THE APPENDIX TO VOL. III.

THE WEEKLY REGISTER.

ADDENDA TO VOLUME THE THIRD.

Hæc olim meminisse juvabit.—VIRGIL.

Printed and published by H. NILES, South-st. next door to the Merchants' Coffee House, at *$ 5 per annum.*

Editor's Introduction.

On presenting this ADDENDA to the third volume of the WEEKLY REGISTER, it becomes the editor to confess, that, as a considerable part of the sheet is devoted to substantiate and explain certain claims of the author with a view to *his* emolument, that *I* have been indemnified the cost of publishing it. Without this declaration my apparent liberality might have been questioned, as being improperly directed.

But the mere payment of this cost of would not, of itself, have induced me to present the sheet to my readers. The memoir on the "ORIGIN OF STEAM BOATS AND STEAM WAGGONS," is a most interesting article. It describes, with great simplicity and effect, the beginning and progress of an invention that may be ranked among the most useful with which the genius of our countrymen has blessed mankind.

Of the merits of Mr. EVANS' claims to the inventions hereinafter described, I know nothing further than is to be gathered from the facts stated—but, born in the neighborhood of the former residence of that gentleman, and being familiar from my childhood with his *mechanical* character, (if the term may be allowed) I have always regarded him as a man of uncommon genius, with great strength of mind. My earliest recollections point him out to me as a person, in the language of the day, that "would never be worth any thing, because he was always spending his time in some *contrivance* or another:" and I well remember, when a little boy, to have heard him say, "the time would come when the powers of steam should be so well ascertained and so simply applied, that the very old women would do the common business of housewifery with it," speaking of it as a matter with which he was perfectly acquainted. I rejoice that the prediction of the sceptical who oppose all improvements and inventions, as "*innovations*," has not been fulfilled: and am delighted to observe, that his then supposed *strange* declaration, has been so far accomplished as to remove all doubts of its most liberal and extended practice.

Columbian Steam Engine.

EXPLANATION.

A, the boiler—B, the working cylinder—C, the lever beam—D, the fly-wheel—E, the condenser—F, the water-pump—G, the supply pump—H, the furnace—I, the chimney flue—K, the safety-valve, which may be loaded with 100 or 150*lbs.* to the inch area; it will never need more, and it must never be fastened down.

OPERATION.

The boiler being filled with pure water as high as the dotted line, and the fire applied, the smoke enters the centre flue, which passes through the centre of the water to ascend the flue I, and thus acts on a large surface.

When the steam lifts the safety-valve, it is then let into the cylinder by opening the throttle-valve, to drive the piston up and down, which, by rod 1, gives motion to the fly-wheel, and wheel 2 gives motion to a shaft, passing through the posts, to turn the spindle of the rotary-valves 3, 8, which lets the steam both off and on the cylinder at the proper time.

The steam escaping by pipe 4, curved and immersed in the water in box E, which is supplied by pump F, it is condensed, and the water formed, descends by pipe 5, into supply pump G, and is forced into the boiler again by pipe 6.

But boiling decomposes water slowly changing it into air incondensible. Therefore the shifting-valve 7, is necessary. This valve lifts at every puff of steam, and a small quantity of air escapes; and it shuts, and a vacuum is instantly formed, as the crank passes the dead points.

The small waste of water may be supplied by condensing part of the steam rising from the condensing water, to run down the pipe 9, through a hole in the key of a stop-cock, $\frac{1}{16}$ parts of an inch diameter,—A small hole indeed to supply a boiler of twenty horses power.

No sediment can accumulate in the boiler, it being supplied by distilled water. Therefore it will last much longer, and require less fuel than others. Muddy, limestone, or salt water, or the juice of the sugar cane, &c. &c. may be used to condense; and as the engine works equally well while we boil away the condensing water, we may boil for salt, sugar, &c. in working the engine,—thus using the fuel for double purposes.

If the steam be confined by the load on the safety-valve, to raise its power to 100 pounds to the inch, area of the piston and the cylinder be nine inches in diameter, and the stroke of the piston three feet, the power will equal twenty horses hitched; and will grind 20 bushels of grain per hour, or saw 5000 feet of boards in 12 hours. If the steam be confined by 150 pounds, the power of the engine will be equal to 30 horses, when the steam is shut off at one third of the stroke, and striking thirty-six strokes per minute.—Double strokes double the power.

The more the steam is confined, and the shorter it be shut off by the regulator 8, the greater will be the power obtained by the fuel. For every addition of 30 degrees heat to the water doubles the power. So that doubling the heat of the water increases the

☞ The binder will please to observe that this *addenda*, is designed to follow the *Appendix*.

power about 100 times. On these principles fuel may be lessened to one third part consumed by other engines. This engine is not more than one fourth the weight of others; is more simple, durable, and cheap, and more suitable for every purpose; especially for propelling boats and land carriages. It requires no more water than the fuel will evaporate in steam, and this steam may be employed to warm the apartments of factories; or the condenser F, could be used as a still to distil spirits; or a vat for paper making, boiler in a brewery, dye factory, &c. &c.

The patent right now belongs one half to the subscriber, Philadelphia; one fourth to George Evans, Pittsburg; and one fourth to Luther Stephens, Lexington, Ky. Apply to either for engines, or for licenses to use them.

OLIVER EVANS.

ON THE ORIGIN OF

Steam Boats and Steam Waggons.

BY OLIVER EVANS.

About the year 1772, being then an apprentice to a wheel-wright, or waggon-maker, I labored to discover some means of propelling land carriages, without animal power. All the modes that have since been tried (so far as I have heard of them) such as wind, treadles with ratched wheels, crank tooth, &c. to be wrought by men, presented themselves to my mind, but were considered as too futile to deserve an experiment; and I concluded that such motion was impossible for want of a suitable original power.

But one of my brothers, on a Christmas evening, informed me that he had that day been in company with a neighboring blacksmith's boys; who, for amusement, had stopped up the touch-hole of a gun barrel, then put in about a gill of water and rammed down a tight wad—after which they put the breech in the smith's fire; when it discharged itself with as loud a *crack* as if it had been loaded with powder.

It immediately occurred to me that here was the power to propell any waggon, if I could only apply it; and I sat myself to work to find out the means. I labored for some time without success. At length a book fell into my hands describing the old atmospheric *steam engine*. I was astonished to observe that they had so far erred as to use the steam only to form a vacuum to apply the mere pressure of the atmosphere, instead of applying the elastic power of the steam for original motion; the power of which I supposed irresistable.

I renewed my studies with increased ardor, and soon declared that I could make *steam waggons*, and endeavored to communicate my ideas to others; but however practicable the thing appeared to me, my object only excited the ridicule of those to whom it was made known. But I persevered in my belief, and confirmed it by experiments that satisfied me of its reality.

In the year 1786 I petitioned the legislature of *Pennsylvania* for the exclusive right to use my improvements in flour mills, as also steam waggons, in that state. The committee to whom the petition was referred heard me very patiently while I described the *mill* improvements, but my representations concerning *steam waggons* made them think me insane. They, however, reported favorably respecting my improvements in the manufacture of flour, and passed an act granting me the exclusive use of them as prayed for. This act is dated March ——, 1787. But no notice is taken of the steam waggons.

A similar petition was also presented to the legislature of *Maryland*. Mr. *Jesse Hollingsworth*, from *Baltimore*, was one of the committee appointed to hear me, and report on the case. I candidly informed this committee of the fate of my application to the legislature of *Pennsylvania* respecting the steam waggons—declaring, at the same time, without the encouragement prayed for, I would never attempt to make them; but that, if they would secure to me the right as requested, I would, as soon as I could, apply the principle to practice; and I explained to them the great elastic power of steam, as well as my mode of applying it to propel waggons. Mr. *Hollingsworth* very prudently observed, that the grant could injure no one, for he did not think that any man in the world had thought of of such a thing before: he therefore wished the encouragement might be afforded, as there was a prospect that it would produce something useful. This kind of argument had the desired effect, and a favorable report was made, May 21, 1787, granting to me, my heirs and assigns, for 14 years, the exclusive right to make and use my improvements in flour mills and the steam waggons, in that state. From that period I have felt myself bound in honor to the state of *Maryland* to produce a steam waggon, as soon as I could conveniently do it.

In the year 1789, I paid a visit to *Benjamin Chandlee* and sons, clockmakers, men celebrated for their ingenuity, with a view to induce them to join me in the expence and profits of the project. I shewed to them my draughts with the plan of the engine, and explained the expansive power of steam; all which they appeared to understand, but fearful of the expence and difficulties attending it,

declined the concern. However they certified that I had shewn to them the drawings and explained the powers, &c.

In the same year, I went to *Ellicott's* mills on the *Patapsco*, near *Baltimore*, for the purpose of persuading Messrs. *Jonathan Ellicott* and brothers, and connections (who were equally famous for their ingenuity,) to join me in the expence and profits of making and using steam waggons. I also shewed to them my drawings, and minutely explained to them the powers of steam. They appeared fully to comprehend all I said, and in return informed me of some experiments they themselves had made, one of which they shewed me. They placed a gun-barrel, having a hollow arm, with a small hole on one side at the end of the arm, similar to *Barker's* rotary tube mill, as described in the books; a gill of water put into this barrel, with fire applied to the breech, caused the steam to issue from the end of the arm with such force as, by reaction, to cause the machine to revolve, as I judged, about one thousand times in a minute, for the space of about five minutes, and with considerable force for so small a machine. I tarried here two days (May 10 and 11, 1789) using my best efforts to convince them of the possibility and practicability of propelling waggons, on good turnpike roads, by the great elastic power of steam. But they also feared the expence and difficulty of the execution, and declined the proposition. Yet they heartily esteemed my improvements in the manufacture of flour, and adopted them in their mills, as well as recommended them to others.

In the same year I communicated my project and explained my principles, to *Levi Hollingsworth*, Esq. now a merchant in Baltimore.* He appeared to understand them; but also declined a partnership in the scheme, for the same reasons as the former.

From the time of my discovering the principles and the means of applying them, I often endeavored to communicate them to those I believed might be interested in their application to waggons or boats. But very few could understand my explanations, and I could find no one willing to risque the expence of the experiment.

In the year 1785 or 6, before I had petitioned the legislatures, I fell in company with Mr. Sam. Jackson, of Redstone; and learning of him that he resided on the western waters, I endeavored to impress upon his mind the great utility and high importance of *steam boats*, to be propelled on them; telling him that I had discovered a steam engine so powerful according to its weight, that it would, by means of *paddle wheels* (which I described to him) readily drive a vessel against the current of those waters with so great speed as to be highly beneficial. Mr. Jackson proves that he understood me well, for he has lately written letters, declaring that about twenty six years before their date, I did describe to him the principles of the steam engine that I have since put into operation to drive mills, which he has seen—and that I also explained to him my plan for propelling boats by my steam engine, with *paddle wheels*, describing the very kind of wheels now used for this purpose; and that I then declared to him my intention to apply my engine to this particular object as soon as my pecuniary circumstances would permit.

In the year 1800 or 1801, never having found a man willing to contribute to the expence, or even to encourage me to risque it myself, it occurred to me that though I was then in full health, I might be suddenly carried off by the yellow fever, that had so often visited our city (Philadelphia) or by some other disease or casualty to which all are liable, and that I had not yet discharged my debt of honor to the state of *Maryland* by producing the steam waggon. I determined, therefore, to set to work the next day and construct one. I first waited upon *Robert Patterson*, esq. professor of mathematics in the university of Pennsylvania, and explained to him my principles, as I also did to Mr. *Charles Taylor*, steam engineer, from England. They both declared these principles to be new to them, and highly worthy of a fair experiment, advising me without delay to prove them; in hopes I might produce a more simple, cheap and powerful steam engine than any in use. These gentlemen were the only persons who had such confidence, or afforded me such advice. I also communicated my plans to *B. H. Latrobe*, esq. at the same time; who publicly pronounced them chimerical, and attempted to demonstrate the absurdity of my principles, in his report to the *Philosophical society of Pennsylvania* on steam engines; in which same report he also attempts to shew the impossibility of making steam boats useful, on account of the weight of the engine; and I was one of the persons alluded to, as being seized with the *steam mania*, conceiving that wag-

* I certify that OLIVER EVANS did about the year 1789, communicate a project to me, of propelling land carriages by power of steam, and did solicit me to join him in the costs and profits of the same.

LEVI HOLLINGSWORTH.

Baltimore, November 16, 1812.

I do certify, that some time about the year 1781, 31 years ago, OLIVER EVANS, in conversation with me, declared, that by the power of steam he could drive any thing—waggons, mills or vessels forward, by the same power, &c. ENOCH ANDERSON.

November, 15, 1812.

gons and boats could be propelled by steam engines. The liberality of the members of the society caused them to reject that part of his report which he designed as demonstrative of the absurdity of my principles; saying they had no right to set up their opinion as a stumbling block in the road of any exertions to make a discovery. They said, I might produce something useful, and ordered it to be stricken out. What a pity they did not also reject his demonstrations respecting steam boats! for notwitstanding them, they have run, are now running, and will run: so has my engine and all its principles, completely succeeded—and so will land carriages, as soon as these principles are applied to them, as explained to the legislature of *Maryland* in 1787, and to others long before.

In consequence of the determination above alluded to, I hired hands and went to work to make a steam waggon. and had made considerable progress in the undertaking, when the thought struck me that as my steam engine was entirely different in form as well as in its principles from all others in use, that I could get a patent for it, and apply it to mills more profitably than to waggons; for until now I apprehended that as steam mills had been used in England, I could only obtain a patent for waggons and boats. I stopped the work immediately, and discharged my hands, until I could arrange my engine for mills, laying aside the steam waggon for a time of more leisure.

Two weeks afterwards, I commenced the construction of a small engine for a mill to grind plaister of Paris—the cylinder six inches in diameter, and stroke of the piston eighteen inches—believing that with $ 1000 I could fully try the experiment. But before I was done with experiments, I found that I had expended $ 3,700—all that I could command. I had now to begin the world anew at the age of forty-eight, with a large family to support. I had calculated that if I failed in my experiment, the credit I had would be entirely lost; and without money or credit, at my advanced age, with many heavy encumbrances, my way through life appeared dark and gloomy indeed. But I succeeded perfectly with my little engine, and preserved my credit. I could break and grind 300 bushels of plaister of Paris, or 12 tons, in 24 hours; and to shew its operations more fully to the public, I applied it to saw stone on the side of Market-street, where the driving of twelve saws, in heavy frames, sawing at the rate of 100 feet of marble stone in 12 hours, made a great shew, and excited much attention I thought this was sufficient to convince the thousands of spectators of the utility of my discovery· but I frequently heard them enquire if the power could be applied to saw timber as well as stone, to grind grain, propell boats, &c. and though I answered in the affirmative, I found they still doubted. I therefore determined to apply my engine to all new uses to introduce it and them to the public.

This experiment completely tested the correctness of my principles, according to my most sanguine hopes. The power of my engine rises in a geometrical proportion, while the consumption of fuel has only an arithmetical ratio; in such proportion that every time I added one fourth more to the consumption of fuel, the powers of the engine were doubled; and that twice the quantity of fuel required to drive one saw would drive 16 saws, at least; for when I drove two saws the consumption was 8 bushels [coal] in 12 hours, but when twelve saws were driven, the consumption was not more than 10 bushels; so that the more we resist the steam the greater is the effect of the engine. On these principles, very light, but powerful engines, can be made, suitable for propelling boats and land carriages, without the great incumbrance of their own weight, as mentioned in Mr. *Latrobe's* demonstrations.

In the year 1804, I constructed at my works, situate a mile and a half from the water, by order of the board of health of the city of Philadelphia, a machine for cleansing docks. It consisted of a large flatt, or scow, with a steam engine of the power of five horses on board, to work machinery to raise the mud into flatts. This was a fine opportunity to shew the public that my engine could propell both land and water carriages, and I resolved to do it. When the work was finished, I put wheels under it; and though it was equal in weight to *two hundred barrels of flour*, and the wheels fixed with wooden axletrees, for this temporary purpose, in a very rough manner, and with great friction, of course, yet with this small engine I transported my great burthen to the *Schuylkill* with ease; and, when it was launched in the water, I fixed a paddle wheel at the stern, and drove it down the *Schuylkill* to the *Delaware*, and up the *Delaware* to the city, leaving all the vessels going up behind me, at least, half way; the wind being a-head.

Some wise men undertook to ridicule my experiment of propelling this great weight on land, because the motion was too slow to be useful. I silenced them by answering, that I would make a carriage, to be propelled by steam, for a bet of $3000, to run upon a level road against the swiftest horse they would produce. I was then as confident, as I am now, that such velocity could be given to carriages.

Having no doubt of the great utility of steam carriages on good turnpike roads, with proper arrangements for supplying them with water and fuel, and believing that all turnpike

companies were deeply interested in putting them into operation, because they would smooth and mend the roads, instead of injuring them as the narrow wheels do, on the 26th of September, 1804, I submitted to the consideration of the Lancaster turnpike company, a statement of the costs and profits of a steam carriage to carry 100 barrels of flour, 50 miles in 24 hours—tending to shew, that one such steam carriage would make more nett profits than 10 waggons drawn by five horses each, on a good turnpike road, and offering to build such a carriage at a very low price. My address closed as follows:

"It is too much for an individual to put in operation, every improvement which he may invent.

"I have no doubt but that my engines will propell boats against the current of the Mississippi, and waggons on turnpike roads, with great profit. I now call upon those whose interest it is, to carry this invention into effect. All which is respectfully submitted for your consideration."

In the year 1805, I published a book describing the principles of my steam engine, with directions for working it, when applied to propell boats against the current of the *Mississippi*, and carriages on turnpike roads. And I am still willing to make a steam carriage that will run 15 miles an hour, on good level rail ways, on condition that I have double price if it shall run with that velocity; and nothing for it, if it shall not come up to that velocity. What can an inventor do more than to insure the performance of his inventions? Or, I will make the engine and apparatus, at a fair price, and *warrant* its utility for the purpose of conveying heavy burthens on good turnpike roads.

I feel it just to declare that, with Mr. *Latrobe*, I myself did believe, that with the ponderous and feeble steam engine, now used in boats, they could never be made useful in competition with sail boats, or to ascend the *Mississippi*, esteeming the current more powful than it is. But I rejoice that, with him I have been mistaken; for I have lived to see boats succeed well with those engines; and I still hope to see them so completely excelled and out-run by using my engines, as to induce the proprietors to exchange the old for the new, more cheap and more powerful principles.

I have been highly delighted in reading a correspondence between *John Stevens*, esq. and the commissioners appointed by the legislature of *New-York*, for fixing on the scite of the great canal proposed to be cut in that state. Mr. *Stevens* has taken a most comprehensive and very ingenious view of this important subject, and his plan of rail-ways for the carriages to run upon, removes all the difficulties that remained. I have had the pleasure, also, of hearing gentlemen of the keenest penetration, and of great mechanical and philosophical talents, freely give into the belief that steam carriages will become very useful. Mr. *John Ellicot* (of John) proposed to make roads of substances, such as the best turnpikes are made with, with a path for each wheel to run on, having a rail-way on posts in the middle to guide the tongue of the waggon, and to prevent any other carriage from travelling on it. Then, if the wheels were made broad and the paths smooth, there would be very little wear. Such roads might be cheaply made; they would last a long time and require very little repair. Such roads, I am inclined to believe, ought to be preferred, in the first instance, to those proposed by Mr. *Stevens*; as two ways could be made, in some parts of the country, for the same expense as one could be with wood. But either of the modes would answer the purpose, and the carriages might travel by night as well as in the day.

When we reflect upon the obstinate opposition that has been made by a great majority to every step towards improvement; from bad roads to turnpikes, from turnpikes to canals, from canals to rail-ways for horse carriages, it is too much to expect the monstrous leap from bad roads to rail-ways for steam carriages, at once. One step in a generation is all that we can hope for. If the present shall adopt canals, the next may try the rail-ways with horses, and the third generation use the steam carriages.

But why may not the present generation, who have already good turnpikes, make the experiment of using steam carriages upon them? They will assuredly effect the movement of heavy burthens, with a slow motion, of two and a half miles an hour; and as their progress need not be interrupted, they may travel fifty or sixty miles in the 24 hours.—This is all that I hope to see in my time, and though I never expect to be concerned in any business requiring the regular transportation of heavy burthens, [on land] because if I am connected in the affairs of a mill it shall be driven by steam, and placed on some navigable water, to save land carriage—yet I certainly intend as soon as I can make it convenient, to build a steam carriage that will run on good turnpike roads, on my own account, if no other person will engage in it; and I do verily believe that the time will come when carriages propelled by steam will be in *general use*, as well for the transportation of passengers as goods, travelling at the rate of fifteen miles an hour, or 300 miles per day.

It appears necessary to give the reader some idea of the principles of the steam engine which is to produce such novel and

strange effects; and this I will endeavor to do in as few words as I can, by shewing the extent to which the principles are applied already

To make steam as irresistable, or powerful as gunpowder, we have only to confine and increase the heat by fuel to the boiler. A steam engine with a working cylinder only nine inches in diameter, and a stroke of the piston three feet, will exert a power sufficient to lift from 3,000 to 10,000 pounds perpendicularly, two and a half miles per hour. This power applied to propell a carriage on level roads or rail-ways, would drive a very great weight with much velocity, before the friction of the axle-tree or resistance of the atmosphere would balance it.

This is not speculative theory. The principles are now in practice, driving a saw-mill at *Manchacks* on the Mississippi; two at *Natchez*, one of which is capable of sawing 5000 feet of boards in 12 hours; a mill at *Pittsburgh*, able to grind 20 bushels of grain per hour; one at *Marrietta* of equal powers; one at *Lexington*, (Ky.) of the same powers; one, a paper mill, of the same; one of one fourth the power at *Pittsburgh;* one at the same place of 34 times the power, for the forge, and for rolling and splitting sheet iron; one of the power of 24 horses at *Middletown*, (Con.) driving the machinery of a cloth manufactory; two at *Philadelphia* of the power of five or six horses, and many making for different purposes; the principles applying to all purposes where power is wanted.

OLIVER EVANS.

Ellicott's Mills on the Patapsco,
Nov. 13, 1812.

A new Fire Engine.—Make a small engine of tin and leather, to contain one cubit foot, or 6 gallons of water, which weighs 62½ lbs. with a piston to project the water through a pipe to be guided by the hand. This may be carried by a man on his breast, hung by straps round his neck and must have two stirrups pending from the lower end of the piston rod.

Fifty men thus equipped, who would on an alarm, proceed immediately to the fire, and on their way fill their engines and ascend to the roof, or upper loft, or as the case may be, to come near the fire; then by stooping and putting their feet in the stirrups, and straightening themselves, they might exert such force as to eject the water thirty feet, horizontally, or fifteen feet perpendicularly, to strike the burning materials. Three hundred gallons of water, early applied and so immediately powerful to the spot wanting it, would extinguish most fires before the great engines could get into play. But the great engines must be preserved, and used on other occasion. O. E.

Extract from the (Philadelphia) Democratic Press of January 28, 1813.

"An experiment was lately made in Charles River, near Boston, to shew the velocity of a steam boat, constructed for the conveyance of passengers, &c. in the Middlesex canal. The boat was driven seven miles and six furlongs in sixty minutes; and there is no doubt by the best informed that it will go nine miles."

The steam engine in the said boat was constructed by Oliver Evans on his improved principles adapted to the purpose of propelling boats and land carriages; and which he is convinced, will propel boats ten miles and upwards per hour, through still water.

Of the Mill Improvements.

THE FOLLOWING PETITION WAS PRESENTED AT THE 1ST SESSION OF 9TH CONGRESS—1807—8.

To the honorable the
Congress of the U. States.

The petition of OLIVER EVANS humbly sheweth, that your petitioner, in pursuance of the act of congress, entitled "An act to promote the progress of the useful arts," obtained a patent for his improvements in the art of manufacturing flour and meal, well known to be useful in this country.

That relying on the validity of his said patent, your petitioner expended much in publishing and disseminating his said improvements, travelling either himself or by his agents, for 13 years in the United States, from state to state, and from mill to mill, to instruct workmen to make, and millers to use his said improvements. And in this way has been expended the small fees which he received from those who have generously and freely paid for his license to use his said improvements. That many others have, without his license, and contrary to the true intent of the said act, constructed and used his said improvements, and continue to withhold from your petitioner, all the profits of his labors as well as all the rewards which the said act contemplated to secure to him for his useful discovery.

Your petitioner did appeal to the laws for redress against these intruders of his rights, and a case being brought before the honorable the judges of the circuit court of the United States, for the Pennsylvania district, he there pleading his exclusive right to his improvements by virtue of his patent: But the validity of his patent was there and then disputed by the defendants, and after a patient hearing of the arguments on both sides, and a full investigation having been made, the honorable judges did unanimously agree in a decision, that your petitioner's patent being deficient in form, is insufficient, invalid and void of itself, and thus your petitioner, without any fault on his part, is deprived of all means of recover-

ing what is so justly due to him. The above decision having been made at Philadelphia on the 23d day of October, 1807, your petitioner's counsel instructed him to proceed without delay to obtain a good patent for his said improvements, to be of due form and good in law, to which your petitioner is justly entitled, having on his part, in the first instance, performed all that was required of him by the said act; but has never received a patent securing to him his rights as intended by the said act. Your petitioner proceeding accordingly, has paid thirty dollars into the treasury of the United States, presented his petition to the secretary of state, filed specifications, explanations and drawings of his original improvements, including also the additional improvements that he has made thereon, in the office of the secretary of state, agreeably to the said act. But, to the great disappointment and mortification of your petitioner, the secretary of state is of opinion, that he is not authorised to grant the patent, and your petitioner is left without remedy. Your petitioner prays that the secretary of state be authorised to grant the patent, or such other relief as the justice of his case, and the utility of his improvements merit, and the public good require—such as you in your wisdom shall deem right: and your petitioner will, as he shall be enabled, and it may become his interest, put in operation other more useful improvements by him invented and discovered: part of which he attempted to make known some time ago, by publishing their principles in a new work.

(Signed) OLIVER EVANS.

AN ACT FOR THE RELIEF OF OLIVER EVANS.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That it shall and may be lawful for the secretary of state on application in writing by Oliver Evans, to cause letters patent to be made out in the manner prescribed by the act entitled, "An act to promote the progress of useful arts, and to repeal the act heretofore made for that purpose," thereby granting to said Oliver Evans, his heirs, executors, administrators and assigns, for a term not exceeding fourteen years, the full and exclusive right and liberty of making, constructing, using, and vending to be used, his invention, discovery and improvements in the art of manufacturing flour and meal, and in the several machines, which he has discovered, invented, improved and applied to that purpuse: *Provided*, That no person who may have heretofore paid the said Oliver Evans for license to use his said improvements shall be obliged to renew said license, or be subject to damages for not renewing the same: *And provided also*, That no person who shall have used the said improvements or have erected the same for use, before the issuing of the said patent, shall be liable to damages therefor.

J. B. VARNUM,
Speaker of the House of Representatives.
GEO. CLINTON,
Vice-President of the United States, and President of the Senate.

January 21, 1808.

APPROVED, TH. JEFFERSON.

[Laws of the U. States—vol. 9, chap. xiii. p. 20.]

OLIVER EVANS, Plaintiff, vs. SAMUEL ROBINSON, Def't. } *Circuit court for the 4th circuit of the United States, Maryland district, November term*, 1812.

This was an action on the the case, for the infringement of a patent right.

The declaration contained four counts.—the *first* recited the substance of the act of congress, entitled "an act for the relief of Oliver Evans," passed 21st January, 1808; of the petition of the patentee to the secretary of state; of the specification and description of the invention annexed to the petition, and of the letters patent and schedule making part thereof. It also contained a concise statement of the plaintiff's improvements in the art of manufacturing flour and meal; which comprehend certain principles, made to operate through the agency of various machines. The first principle consists in the subdivision of the grain or any granulated or pulverized substance, in elevating and conveying the same from place to place, in small, separate parcels, in spreading. stirring, turning & gathering the same, by regular and constant motion, so as to subject the same to artificial heat and the full action of the air to cool and dry the same, when necessary to avoid danger from fermentation, and to prevent insects from depositing their eggs during the progress of the manufacture. The second principle consists in the application of the power which moves the mill or other principal machine to work any machinery; which may be used to apply the same principles or perform the said operations by constant motion and rotation to save expense and labor. It proceeded to state that the machinery invented and used for applying the aforesaid principles consisted of an improved *elevator*, an improved *conveyor*, an improved *hopper boy*, an improved *drill*, and an improved *kiln dryer*. This count further alleged that the plaintiff had complied with the several provisions prescribed by the acts of congress on the subject of patent rights—and concluded with stating the breach to consist in the defendant's having used the plaintiff's said improvements, without a licence. The *second* count stated the breach to consist in using machines, which were an *imitation and resemblance* of those invented by the plaintiff. The *third* stated the breach to con-

sist in using *part of the said improvements*, to wit, the *elevator*, *conveyor*, *hopper boy*, and *drill*. And the *fourth* stated the breach to consist in using *part of said improvements, &c.*

The defendant put in the plea of *not guilty*.

No notice was given by the defendant of an intention to prove any special matter; but the want of notice was waved by the plaintiff, and the range of testimony was agreed to be unlimited.

The plaintiff, having produced in evidence, the act passed for his relief, and the patent issued in conformity thereto, proved notice thereof to the defendant prior to the breach complained of; and that the defendant used the elevator, conveyor and hopper boy invented by the plaintiff, in his mill in Montgomery county, Maryland, driving one pair of mill stones, and grinding twelve barrels of flour in twenty-four hours.—The witnesses on both sides, who knew any thing of the origin or progress of the discovery, united in proving that the plaintiff was the original inventor of his patented improvements; and all bore testimony to the immense utility and admirable perfection of the invention.

Messrs. *Pinkney*, *Harper* and *Williams* were counsel for the plaintiff.

Messrs. *Martin*, *Purviance*, *Dorsey* and *Pendleton* were counsel for the defendant.

This case was elaborately, learnedly and eloquently argued. The leading cases on patent rights for new inventions were adduced; and the law on that subject fully discussed. Any attempt to report some of the arguments, pronounced on the occasion, would afford a very inadequate conception of their force and brilliancy. On the part of the plaintiff, they convinced and delighted all who heard them. They demonstrated conclusively his right, as inventor, to his patented improvements; depicted in severe and glowing colors the depravity and baseness of those who had combined to defraud him of the fruits of his ingenuity; maintained his claims and pretensions beyond all controversy, and established his genius and merits on an exalted and triumphant eminence.

The following brief statement was furnished to Mr. Oliver Evans, by his counsel, for the purpose of exhibiting to the Committees of Congress, appointed on the subject of his patent right—The Hon. Judge Duvall, in his testimony, before the committee of the Senate of the United States, confirmed it; and has observed that he did not consider this representation so full in favor of Mr. Evans, as the evidence warranted:

At the last (November) term of the circuit court of the United States, in Baltimore, several actions came to trial, which had been brought by Oliver Evans against different persons, for infringing his patent right, by using his mill machinery without his permission.

The millers near Baltimore, with the Ellicotts and Tysons at their head, made common cause with the defendants. The defence set up was that Evans was not the original inventor of the machines, for which he had obtained the patent. To support this defence witnesses were summoned from various and distant places, particularly from the neighborhood of Christiana, in the state of Delaware, where Evans resided at the time when, as he alleges, the invention took place. The causes were twice continued, on the application of the defendants, to give them an opportunity of procuring the attendance of all their witnesses All did attend at the trial.

The machines in question were, the conveyor, the elevator and the hopperboy. Evans' patent included others, but they are not in general use, and had not been used by the defendants. As to the conveyor, the proof was, that Jonathan Ellicott, previous to the invention of Oliver Evans, had invented and used a machine something like the conveyor of Evans; but it was proved, on the part of Evans, that his conveyor differed essentially from that of Ellicott, was an improvement on it, and was much better adapted to the purpose to which Evans applied it. It was also proved, that Ellicott had never applied his machine to that purpose, until the application was made and practised by Evans; who, consequently, not only improved the machine in a new and useful manner, but invented a new and useful application of it, when so improved; making thereby a new and useful improvement in the art of manufacturing flour.

The elevator came next in question—Here the defendant gave evidence of various hydraulic machines, something resembling an elevator, that had formerly been used in Europe, or proposed to be used, for raising water; but it appeared that none of those machines had ever been applied to the raising of meal or grain, or were fit for that purpose. The elevator of Evans was essentially different, and a great improvement, which was not only applied to this new purpose, in the manufacture of flour, but was extremely useful for that purpose. They then produced a miller, from the state of Delaware, of the name of Stroud, who, after Evans told him grain and flour might be raised by a machine, did, in fact, make an elevator similar to that of Evans, though not complete. But Stroud declared, that he never should have thought of it but for the information he received from Evans; and it was proved on the part of Evans, that he had invented his elevator and made a complete model of it before Stroud's was made. On this head Stroud was so well satisfied that he purchased a license from Evans to use his elevator, together with his other improvements.

As to the hopperboy—The defendant gave evidence, that some millers, in Delaware, of the name of Marshall, having heard of Evans' discoveries (which were kept concealed) invented and attempted to use a very imperfect machine, for the purpose to which Evans applied his hopperboy. But the Marshalls, who were produced as witnesses, proved that their machine did not answer the purpose, on account of several essential defects in its principle and construction, and that as soon as that of Evans, which was very different and very complete, made its appearance, they adopted it, by license from him, and threw aside their own. All these machines were admirably combined in an original and useful manner by the patentee.

The defendants thus defeated on the evidence, next attacked the case on the construction, and even the constitutionality of the act of congress; but the court, composed of Mr. Duvall, a judge of the supreme court, and Mr. Houston, the district judge, decided against them on every point. They then gave up the defence, and confined all their evidence to the mitigation of damages. The jury found a ver-

dict of $1850 for the plaintiff in the first case, who declined demanding the treble damages allowed by law. The defendants in all the subsequent cases which came to trial, to the number of four, confined themselves entirely to excuses in mitigation of damages. In all the cases there were verdicts for the plaintiff, with ample damages, which gave universal satisfaction.

The special act of congress, it will be observed, under which the patent, in controversy, was granted, gives a right of action againstsuch persons only as have used, since its passage, or may hereafter usethe machines, withouthaving purchased license therefor. All who paid under the former defective patent are expressly protected; nor can there be any recovery for using the machines prior to the present patent, even without having paid for them. The special act is not retrospective in its operation, or in the construction put upon it by the patentee and his counsel.

Evans, to shew the utility, as well as originality of his improvements, produced at the trial many respectable witnesses, and read the following certificate from the Messrs. Ellicotts, near Baltimore, the most skillful millwrights,and experienced millers in this, or perhaps any part of the United States:

"We do certify that we have erected Oliver Evans' "new invented mode of elevating, conveying and "cooling meal, &c. As far as we have experienced, "we have found them to answer a valuable purpose, "well worthy the attention of any person concerned "in merchant or even extensive country mills, who "wishes to lessen the labor and expense of manufac-"turing wheat into flour.

(Signed) JOHN ELLICOTT,
JONATHAN ELLICOTT,
GEORGE ELLICOTT,
NATHANIEL ELLICOTT."

Ellicott's mills, Baltimore county, State of Maryland, Aug. 4, 1790.

Respecting the utility of these machines and improvements, it was fully proved, that in a mill which can manufacture twenty barrels of flour a day, they save at least $300 a year, in labor alone; that the operation is more perfectly performed and with less waste; that more work can be done by the same mill, and a larger proportion of superfine flour produced from a given quantity of wheat, equal to, at least, fifty cents gain to the miller on each barrel; that the saving upon the whole, in such a mill, upon the most moderate computation, amounts to $1200 a year, probably much more; and that no mill, without these improvements, can be employed in competition with such as have them.

We were counsel for Mr. Oliver Evans in these cases, and have given this statement at his request. We certify it to be true and have no doubt that the Judges, who heard the causes, if applied to, will confirm it.

ROBERT G. HARPER,
NATHANIEL WILLIAMS.

Baltimore, January 16, 1813.

Copy of a note addressed by Wm. Pinkney, esq. attorney-general of the United States, one of Mr. Evans' counsel, to Mr. Williams.

BALTIMORE, *January* 19, 1812.

DEAR SIR—I find the statement signed by you and Mr. Harper, relating to the trials, at the last session of the circuit court, for Maryland, of Mr. Oliver Evans' cases, to be perfectly correct; and you are at liberty, if you think fit, to make use of this note as a proof of my entire concurrence in that statement.

I am, dear sir, your faithful and obedient servant,

(Signed) WILLIAM PINKNEY.

Nathaniel Williams, Esq.

In the progress of this cause, the defendant's counsul contended, before the court—

That the letters patent granted in this case, were not conformably with the act of congress, passed for the plaintiff's relief.—That the declaration did not correspond with the proof, as, in the construction of the defendant's counsel, the breach was alleged to consist in the use of machines, whereas the patent comprehended the discovery of principles, as well as machines.—That the plaintiff was not entitled to a patent for the conveyor, inasmuch as J. Ellicott had previously invented a screw tomix flour, although the plaintiff's conveyor was differently constructed from Ellicott's screw, and applied to a different purpose.—That the defendant was not liable to pay for using the machinery in question, it having been erected before the passage of the special act, or the grant of letters patent to the plaintiff, and after the expiration of the former letters patent, when it was not unlawful to erect or use the same.—And lastly, that the act for Oliver Evans' relief was *expost facto;* that it impaired the obligation of contracts, and was therefore unconstitutional; he having obtained letters patent in 1790 for the same improvements, which had expired before the act aforesaid was passed; it not altering the case that the first patent was declared, judicially, to be null and void for defect of form.

The *court* (judges Duvall and Houston) declared, that the letters patent in controversy, were issued conformable to law. That the declaration was good and sufficient to maintain the plaintiff's case, as established in proof; some of the counts alleging that the defendant used the patented improvements generally, and others, part of the improvements. That the plaintiff's conveyor being a new and useful improvement on the continued spiral screw, and applied to a new and useful purpose, entitled him to a patent for his improved conveyor.—That the second proviso in the act for Evans' relief, passed the twenty-first of January, 1808, protected the defendant from any liability to pay damages for using the machinery without a license, previous to the granting of the patent, but not for any subsequent use. And that in the opinion of the court, the act referred to, is not an expost facto law, for that relates to criminal cases only; that it does not impair the obligation of contracts, or interfere with any rights previously acquired by the community; that on the contrary, the legislature has evinced its attention to individual rights,by exempting, in a special proviso, all persons from the obligation to renew a license,purchased under the former patent; that congress have the exclusive right by the constitution,to limit the times for which a patent right shall be granted, and are not restrained from renewing a

patent or prolonging the time of its continuance;—more especially in the present case, where the patent granted in the first instance had been decided, by judicial authority, to be null and void, on account of some defect in the patent.

The jury brought in a verdict of *eighteen hundred and fifty dollars* damages.

N. B. These damages were given for four years and nine month's use of the machinery, covering all the time, by consent of parties, up to the period of trial; and for the right to use the machinery in future without limitation of time.

The second case which was tried, was against Charles C. Jones, in which the verdict was for *one thousand dollars*, damages;—with the same agreement, as to license, as in the preceding verdict.

The following concise notice appeared in the papers, shortly after the termination of Evans' suits.

IMPORTANT LAW CASE.

On the 3d of December, 1812, came on an interesting trial before judges Duval and Houston, in the circuit court of the United States, for the Maryland district, between Oliver Evans, plaintiff, and Samuel Robinson, defendant, which continued four days.

Messrs. Pinkney, Harper and Williams were counsel for the plaintiff.

Messrs. Martin, Purviance, Dorsey and Pendleton were counsel for the defendant.

The controversy arose on an infringement by the defendant of a *patent right* secured to the plaintiff under a special act of congress, for his improvements in the art of manufacturing flour and meal, and in certain machines which he had invented, improved, and applied to that purpose—Which machines are called, an elevator, conveyor, hopperboy, &c. Various questions of law were raised by the defendant's counsel on the constitutionality of the law, the regularity of the patent, the pleadings in the case, &c. all which were decided in favor of the plaintiff. Witnesses were collected from distant and various places with a view to prove that the plaintiff was not the original inventor of the improvements for which he had obtained a patent or of some part of them. And sundry plates representing hydraulick machines, which were heretofore in use, and in some degree resembling the plaintiff's elevator, were produced for the purpose of shewing that he was not the inventor of that machine.

But he succeeded in establishing his pretensions to that and every other part of his patented improvements, including his conveyor, the invention of which was contested with him by Mr. Jonathan Ellicott. And he proved that his inventions in the art of milling, caused a saving of one half the labor; manufactured the flour better; and produced moreover a gain in the quantity equal to at least *fifty cents* on each barrel; besides various other profits and advantages.

At the close of the trial the defendant's counsel abandoned the defence, as untenable, and addressed the jury briefly on the subject of damages.

Great ingenuity, learning and eloquence were displayed in the progress of the cause. And the distinguished genius and merits of the patentee were rendered conspicuous and convincing by the testimony and arguments adduced. The jury brought in a verdict of $1,850 damages.

[The defendant's mill is situated in Montgomery county, does not work all the year, grinds twelve barrels per day, and has the machinery to one pair of stones only.

There were verdicts in three other cases, with ample damages, which appeared to give universal satisfaction.]

THE MEMORIAL OF JOHN WORTHINGTON, ELISHA TYSON AND OTHERS AGAINST OLIVER EVANS.

To the Senate and House of Representatives of the United States of America.

Your memorialists humbly beg leave to represent—That your honorable body, on the 21st of January, 1808, passed an act authorising the secretary of state, "on application in writing of Oliver Evans, to cause letters patent to be made out in the manner and form prescribed by the act entited, 'an act to promote the progress of useful arts, and to repeal the act heretofore made for that purpose,' thereby granting to said Oliver Evans, his heir, executors, administrators and assigns, for a term not exceeding fourteen years, the full and exclusive right and liberty of making, constructing, using and vending to be used, his invention, discovery and improvements in the art of manufacturing flour and meal, and in the several machines which he has discovered, invented, improved and applied to that purpose."—That letters patent did accordingly issue, which are now in full operation; and that, by means of them, the patentee is exercising a most grievous oppression over the citizens of the United States; more especially, over those who are immediately engaged in the manufacture of flour.

Your memorialists, in any ordinary case, would be the last to remonstrate against benefits which the legislature of their country might think proper to confer upon any individual; but believing, as they do, that your honorable body, when you consented to pass the act of January, 1808, in favor of Mr. Evans, were deceived by artful representations of merit; and knowing also that Mr. Evans has used his patent for purposes in which it could never have been intended to give him aid, your memorialists feel confidently assured, that congress will not hesitate to reconsider the grounds of their former grant, and to do impartial justice between Mr. Evans and the rest of his fellow-citizens.

Your memorialists have understood, and they have no doubt of the fact, that when congress undertook to renew Mr. Evans' monopoly, they were industriously made to believe that he was the inventor of all the machines for which he solicited and obtained his patent. In this your honorable body were most grossly deceived. Many of your memorialists have

just witnessed the progress of several trials that took place at the last term of the circuit court at Baltimore, in actions instituted by Mr. Evans for infringments on his patent rights; although the result of those trials was such as must give alarm to every man who has dared to think of opposing this exorbitant monopolist, yet did they prove most incontestibly, by the investigations to which they led, that Mr. Evans was not the original inventor of any one of his patented machines. Your memorialists entreat the patience of your honorable body, while they briefly detail the testimony relating to this question, such as it appeared before the circuit court, and such as it can again be exhibited whenever your honorable body may think proper to require it. The machines which form the subject of Mr. Evans' patent, are the "conveyor," the "elevator," the "hopperboy" and the "drill." For greater perspicuity we will state the testimony as applied to each machine in successive order.

1st, The conveyor—It was proved that Jonathan Ellicott, of Baltimore county, was the first inventor of this machine. He had it erected in his mill some time before the year 1786, and applied it to all its present uses. He shewed it to Oliver Evans, who was highly pleased with its operation. He said, it was all that was necessary to complete his machinery; that he had long desired to have such a machine but could not devise one; and finally, in consideration that Jonathan Ellicott would permit him to attach it to his elevator and hopperboy, Oliver Evans gave him a perpetual license to use the last.

2d, The elevator—This machine has been invented nearly a century and a half. There are books, a hundred years old, that exhibit it (applied to hydraulic purposes.) The same in principle, form, dimensions and materials with the elevators now claimed by Oliver Evans as his original invention.

3d, The hopperboy—A machine upon the same principle with Oliver Evans' alledged hopperboy, worked by the same power, acting in the same manner upon the meal, and producing the same effect, although not as beneficially, was invented by Edward Marshall, of Delaware, and set to work in his mill before the time of Oliver Evans' supposed discovery. Mr. Evans lived in the neighborhood of this invention.

4th, The drill—The invention of this machine did not come in question before the circuit court, but it is susceptible of undeniable proof that Jonathan Ellicott, before referred to, was the inventor of it as well as the conveyor.

Thus it appears that Mr. Evans' merit as an inventor, in no respects, corresponds with the artful and imposing representations by which your honorable body were induced to grant him your protection for a second term of fourteen years. So far from having invented ALL these machines, he was not the original inventor of any one of them. Your memorialists, therefore, might here rest their petition; but they think it proper to notice the other grounds of Mr. Evans' pretensions. These are, first, that he has invented useful improvements in the structure of the several machines secured by his *patent*; and, secondly, that *he was* the first who applied those machines to their new use in mills.

The "conveyor" and "hopperboy" are the only machines in which Mr Evans will now attempt to shew that he has made any improvement. In the elevator and drill he has not made even an alteration.

1st. Then, of the conveyor—The *transvere flights*, form the alteration which he claims to have made in this machine. Even if Mr. Evans was the inventor of this alteration, its utility in the manufacture of flour is extremely questionable. Several most intelligent millers who were examined upon this subject, in the trials at Baltimore, were so much at a loss to discover the beneficial effect of this alteration, that they said they preferred the spiral conveyor. The great utility of this alteration is rendered still more questionable by the fact, that a large portion of the millers, even those who have paid Oliver Evans for the license of his patented machines, do not make use of the transverse flights. But your memorialists are convinced that Mr. Evans was not the author of this alteration. They will be able to show your honorable body that this improvement, like most of the improvements which Mr. Evans claims, was discovered by other persons, from whom he adopted it.

2dly. Of the hopperboy—Mr. Evans, as has been stated, was not the original inventor of this machine. Your memorialists admit that he was the first who added the ropes, leading the horizontal arms around; and that this addition facilitates the operations of the machine. But, surely, it will not be contended that, upon this alteration, congress bottomed their grant. This improvement may have been sufficient to entitle Mr. Evans, under the general law, to a patent for the improvement, but for nothing else. It could not have entitled him to a patent for other machines which he never invented, nor improved; much less can it entitle him to an extension of his exclusive privilege beyond the usual term.

Your memorialists come now to the last ground of Mr. Evans' pretensions, "that he has the merit of having first applied those machines to their present use in mills." This ground was much narrowed by the trials, before referred to, in the circuit court at Baltimore. It was there shown that the conveyor, the hopperboy and the drill, were applied by their original inventors to all the purposes for which they are now used. The elevator is the only machine about which there can be the least doubt; and, to the minds of your memorialists, there are conclusive reasons for believing that Oliver Evans was not the person who first discovered the application of this machine to its present office, the raising of wheat and flour. Oliver Evans' first exhibited his elevator, first informed the world that he had invented one, in the year 1787. Twelve or eighteen months before this time, James Stroud, of the state Delaware, had erected a perfect elevator in his mill.

Mr. Stroud, in the circuit court at Baltimore, related the history of his invention. Standing in his mill contemplating the machinery he then had in it, he observed that as the leather strap turning the *fan*, performed its revolutions, the buckle by which it was fastened would catch up a few grains of wheat below, carry them up with it, and empty them out at the top. The thought immediately occurred to him that a machine revolving like this strap, with buckets upon it, would completely perform the office of raising his wheat and flour. He constructed it accordingly, and found it perfect. This machine is what is now called "Evans's elevator." Your memorialists admit that a brother of Oliver Evans declared in the circuit court at Baltimore, that Oliver Evans had several years before this period invented precisely the same machine; and, that although he did not show it to the world by using it in his mill, yet he had it, and the model of it was locked up in a chest, and continued so locked up for several years. When this testimony comes before your honorable body, it will, no doubt, receive whatever weight, under all its circumstances, it may be entitled to. But your memorialists hope *they* will be pardoned for believing that there was some mistake in the matter.

Your memorialists have thus candidly detailed the testimony relating to Mr. Evans's patent. They feel assured that your honorable body, will discover in it abundant cause to take this subject again into consideration. Your memorialists, however, will take the liberty of suggesting other motives of great weight.

When congress consented to renew Mr. Evans's exclusive privilege in 1808, they could not have intended to give their law an *expost facto* operation.—Yet such has been the construction which our circuit courts have felt themselves constrained to give to the act of January 1808. In the circuit court at Philadelphia it has been decided by judges Washington and Peters, that even those who erected their machinery in the interval between the expiration of Mr. Evans's first patent in 1804 and its renewal in 1808, cannot continue to use them without a license under the second patent. The hardship of this construction is extreme. The United States abounds with mills in which the machinery was erected during that interval, when no law existed to prohibit it—when no man was aware of any right still remaining in Mr. Evans; and when the public thought they were enjoying a property for which they had already paid the price. But since this construction, persons who erected their machinery under those circumstances must either pull it down or subject themselves to actions for *treble damages*—or they must consent to pay whatever price the patentee may choose to demand for a license. As it regards his charges, your memorialists humbly state, that the act of renewal has imposed no limitation upon Mr. Evans; an omission of which he is availing himself most oppressively. During his first patent, while he was looking forward to his intended application for a renewal, Mr. Evans observed a very becoming moderation in his demands.

Thirty-three dollars was originally the price of his license to use his machinery in application to one water-wheel. But as soon as the act of 1808 had put the community in his power, he began to advance, from exaction to exaction, until he now demands about twenty times the amount of his former charge—and threatens that he will rise still higher. From one of your memorialists Mr. Evans has demanded *thirty-six hundred dollars* for his license.—This fact, while it shows how oppressively this patent bears upon individuals, will enable your honorable body to form some estimate of the enormous profits which he, the patentee, will derive from a general use of his machinery throughout the United States. Your memorialists will not consent to believe that congress intended to let Mr. Evans loose upon the community with so grievous, so despotic a power. They therefore, pray that your honorable body will again take this subject into consideration, that you may examine the grounds upon which Mr. Evans' patent issued, and do whatever, in your wisdom, you may think fit.

And your memorialists will ever pray, &c.

Baltimore, January 1, 1813.

THE COUNTER MEMORIAL.

To the Senate and House of Representatives of the United States.

The memorial of Oliver Evans respectfully shewth: That your memorialist has been favored with a copy of the memorial of John Worthington and others, and of the evidence accompanying the same, which he has read with surprise; and your memorialist begs leave to declare that he believes he can prove every statement in the said memorial is false, tending to shew that your memorialist did not the original inventor of all and every one of the machines in their improved state, nor the original combiner and applier of them to produce the useful result of his great improvement on the art of manufacturing flour and meal, as patented to him, to be erroneous. But your memorialist did never expect to be put on this proof, more especially before congress, seeing that courts are appointed by law for deciding on such disputed points. Yet if required by the honorable congress, although most of his most intimate friends, to whom he communicated his discovery, years before he made it public, are dead, he believes he can find one in Queen Anne's county, Eastern Shore of Maryland, where your memorialist lived when he made the discovery; one living in New Castle county, Delaware: one in Mifflin county, Pennsylvania, and one in the city of Washington—viz. Evan Evans.

And to prove that he set up the machinery in his mill in part, on Red Clay Creek, New Castle county, and then made it public by presenting a subscription paper, setting forth the whole improvement, stating that in case the neighboring millers would subscribe a sufficient sum, your memorialist would make the improvement, which he has since done; but that on the millers refusing to subscribe any thing, and on being advised by James Latimer, esq. (now deceased) to apply to the state legislatures for exclusive rights, he took down his machinery, and secreted them until he should receive those exclusive rights; that it was after all this that Stroud discovered the elevator; and Marshall and Stroud attempted to make the hopperboy. He can find witnesses in the state of Delaware, and in Philadelphia to support the testimony of Evan Evans to whom all is well known. In coroboration he may procure copies of his petitions to the legislatures of Pennsylvania, Delaware, Maryland* and New-Hampshire, petitioning for the exclusive rights for twenty-one or twenty-five years, not only for his improvement on manufacturing flour, but for steam carriages of his invention; and also copies of the acts in his favor of Pennsylvania and Delaware for the mill improvements only, Maryland and New-Hampshire for steam waggons also for 14 years; too short a time, had it been for 30 years, steam boats and steam carriages might have been in use 20 years ago.

Thus your memorialist could shew what have been his pursuits, and he begs leave to refer to the secretary of state's office, to the specifications he has filed there of several other great discoveries, and he declares he has several others yet to file, which he fears he will not be able to put in operation, under the present patent laws and endless litigation.

These would shew to your honorable body the great improbability of those men having been the inventors, who now begin to claim the original discovery of your memorialist's patented improvement, as soon as the great profits thereof begin to appear.

Your memorialist acknowledges that he has raised the price of his license to use his inventions and improvements, as their value became known, from bestowing them gratis, with his thanks to those who would accept them to make their utility known, to 33$, 40$, 100$, up to his present demand, which

* In 1786, O. Evans petitioned the general assembly of Maryland, for a patent to secure an exclusive property in his mill machinery and steam carriage; and at April session, 1787, the assembly passed an act entitled "an act to grant to Oliver Evans, for a term of years, the sole and exclusive right of making and selling within this state the machinery herein described."

is the sum saved to the user in wages and boarding of hands for one year only, rating the wages and board of a miller at $300 per year; which is not more than one-eighth part of the full gain by the use for one year, for his license to use for and during his patent term.

That is, where the price of license is 300$, the gain by the use per year will be 2,400$, and for 14 years 33,600; out of which they pay 300$ for license. Your memorialist may defy John Worthington and others to produce an instance, in the world, of so low a charge for so great a benefit made by any patentee; and he denies their charge of having demanded 3,000$ for license for one mill, although he has heard that Elisha Tyson said so; he can prove that he demanded only 250$ per mill for 6 mills of said Elisha.

Your memorialist conceives it impossible for him to produce his proofs in due time before your honorable body, nor could congress devote the time necessary to hear the great mass of testimony, that would be produced. He therefore prays that the report of the recent trials in the circuit court of the United States, held at Baltimore; the testimony voluntarily given by James Stroud and Edward Marshall before a notary public; and the testimony of colonel Enoch Anderson taken before a judge, accompanying this memorial, be deemed and received as part of the same; and that he and John Worthington and others be referred with their cases back to the courts of the United States; and your memorialist will, with the consent of those of the memorialists who are infringing his patent right, commence suits against them to give them an early opportunity of proving in court that he is not the original inventor; and your memorialist will ever pray.

OLIVER EVANS.

Philadelphia, January 22, 1813.

1st. The agent of Oliver Evans in Baltimore, under authority from him, offered to sell a license to Elisha Tyson to use Evans' machinery complete for six pair of six feet stones, in a merchant mill of the most approved plan, for *fifteen hundred dollars*. It was to rate as five pair of stones, though the machinery was to be applied to all six, because it was supposed all would not ordinarily run at the same time; but it was expressly stated, that no further claim should be made, even if all six did sometimes run together. No other demand was ever made of said Tyson, or any of his sons, by Evans' agent; nor is it believed or pretended, that *any* ever was made through a different channel. This certificate is given by the agent, who has Tyson's and Evans' letters before him, on this subject—and which are the foundation of all that passed thereon.

2d. Evan Evans in his testimony, in the case of Evans *vs.* Robinson, stated, that in 1782 or 1783, while his brother Oliver Evans lived on the Eastern Shore of Maryland, the latter told him he had conceived a mode of elevating meal, as fast as it fell from the mill-stones, by a machine, consisting of buckets attached to a strap; which machine was to be moved by the water-wheel; that his brother soon after made a model of his elevator, of paper; and that he witnessed its first private experiments, in a mill which Oliver and his brothers built in Delaware; and that this was long anterior to any elevator being in use in Stroud and Marshall's mill. That his brother having long before described it to him, also put into operation, when the mill was built, a hopperboy, which was concealed from the public; the door which led to it being kept locked; and this was previous to any machine of the kind being set up in any neighboring mills or elsewhere, to his knowledge; and that when his brother was advised to apply to the legislatures of the adjoining states for exclusive rights to his discoveries [which was before the adoption of the federal constitution] he took down his hopperboy; the elevator had previously been kept concealed. That the first conveyor which his brother Oliver invented and combined with his other machinery was not a continued spiral screw, but was a succession of ploughs placed transversely across the spiral line; and this conveyor was applied to convey the flour from where it falls from the mill-stones to the elevator; and that this conveyor, so constructed and applied, was not in operation in any other mill, that he ever saw, or heard of it, before it was so invented by his brother Oliver. Evan Evans lived with his brother when the machines aforesaid were invented.

3d. Samuel Wallace, of Delaware, who was a witness in the suit against Robinson, testified, that he lived with Oliver Evans when his first hopperboy was in operation; that he, Wallace, hung the door which led to the loft, where the hopperboy was placed, which was kept locked, and the key confided to his charge. He also stated that said Evans had then the model of an elevator, which was not put up. The machines were kept concealed until Evans could obtain patents from the state legislatures—He concurred with other witnesses, that it was notorious then that Evans was the inventor of the mill machinery.

4th. Thos. Philips, of Delaware, testified as to the universal belief that Oliver Evans was the inventor of the mill machinery; which he said was in use in his mill, and was an annual saving to him of $500 in labor, and, besides other profits and advantages, produced a gain of, from 50 to 60 cents on each barrel, in the superior quantity and quality of the flour manufactured.

5th. Levi Hollingsworth, formerly of Cœcil county, Md. now of Baltimore, gave evidence, among other things, that it was the general opinion through the country, at the time the improvements, in question, were introduced, that Oliver Evans was the first inventor thereof.

6th. Joseph Marshall, brother of Edw. Marshall, was a witness, on behalf of the defendant, in the case of Robinson, and gave similar testimony to his brother's, whose deposition is inserted at length.

7th. Col. Enoch Anderson, formerly of Delaware, now of Pennsylvania, in a written deposition, and orally on the trial aforesaid, stated that he was intimately acquainted with Oliver Evans from 1784, that he lived near to him, and had almost daily intercourse with him; that in that year Evans told him he could elevate, convey and cool meal and flour by machinery, as fast as it fell from the millstones, which machinery could be worked without manual labor; that he told him this before any machinery was set up in Stroud and Marshall's mill, or any other that he ever heard of; that when he saw machinery in the mills of Stroud and Marshall, they admitted it was originally invented by Evans, and said they had his permission to use it. He also details in his testimony many other and minute circumstances, relating to the progress of the invention.

8th. OLIVER EVANS, vs. SAM'L. ROBINSON, &c. } *In the circuit court for the fourth circuit of the United States, in and for the district of Maryland.*

James Stroud, a witness summoned on the part of the defendants, in consequence of the adjournment of the court, voluntarily testifies, and upon his solemn affirmation solemnly declares, that he is an inhabitant of New-Castle county in the state of Delaware, about fifty-three years of age, and has for near thirty years pursued the business of a miller, with only occasional interruptions, and understands the mechanism of mills for grinding wheat and other grain; he says the first he ever heard of elevators and hopper boys, for which the plaintiff has obtained a patent, was, to the best of his recollection, in the year seventeen hundred and eighty-four or seventeen hundred and eighty-five; that the first time he ever heard of the invention of elevators and hopper boys he understood they were invented by the plaintiff, Oliver Evans: and that the second time he conversed about such an invention was with the said Oliver Evans, who said that it was not only practicable to raise flour, &c. but that it was then in operation although the deponent had never then seen the machinery, nor had he ever heard of any other person inventing such machinery before the said Oliver Evans. That the first elevator he ever saw was in Marshall and Stroud's mill in New-Castle county, soon after the invention was made known, probably in the year seventeen hundred and eighty-five, that this elevator was principally erected under the care and direction of this affirmant, who had discovered as he believed the principles of the plaintiff's discovery, for which he [the plaintiff] had then no patent; that in the same mill he first saw a hopper boy, or machinery resembling a hopper boy, soon after the experiment of the elevator aforesaid; that this hopper boy was the production of the joint labor and invention of William Marshall and Samuel Stroud, the owners of said mill, and of the two sons of said William Marhall; on experiment it was found not to answer the desired purpose. Soon afterwards this affirmant had a conversation with Oliver Evans about his invention of the hopper boy, and one was made by this affirmant according to his [the said Oliver Evans'] plan; and another was put up according to the same plan in the mill of said Marshall and Stroud, and were found to answer better than any other invention or machinery that had ever been previously discovered or made according to the best of this affirmant's knowledge and belief, or has since been discovered to the best of his knowledge; it being the same now in general use. The affirmant further solemnly declares that from his own knowledge and observation, and from all that he has heard from others on the subject, he verily believes Oliver Evans was the first inventor of both the elevator and the hopper boy now in common use in mills for manufacturing flour from wheat; and that he so believed at the time he, the affirmant, was making such machinery in the year 1784 or 1785 above mentioned; as the first idea or notion of the same, was derived from him, the said Oliver Evans. The affirmant further says, that the invention of the elevator and hopper boy, with other improvements in making flour, for which the plaintiff has a patent, in his opinion saves one half the labor which otherwise would be necessary for carrying on the milling business; and also are causes of great saving, and do the work better than could be done by manual labor, in the mode practised before such inventions. That he hath known Oliver Evans ever since his inventions aforesaid, and was acquainted with the first trials and experiments of such inventions in said Marshall and Stroud's mill, and knows a great number of mills in which they are used, and that his [the said Oliver Evans'] claim to the originality of said inventions was never disputed in the neighborhood where they were so first tried, to this affirmant's knowledge, nor else where, that this affirmant knows of, until the cases now under trial.

(Signed) JAMES STROUD.

(L. S.) Affirmed and signed before me, this 10th November, 1812. SAMUEL STERETT, *Not. Pub. Baltimore.*

9th. Edw. Marshall, of New-Castle county, state of Delaware, being solemnly affirmed to speak the truth, declares and says, that he is about forty-eight years of age, and was instructed in the business of a miller in early life, and pursued the same generally as his profession; that about the years 1785 or 1786, this affirmant's father asked this affirmant what he thought of a machine that would take up the flour as fast as it was ground, to which this affirmant answered that he thought it impossible; when affirmant's father replied that Oliver Evans said he had invented such a machine. He says this was the first time he ever heard of the elevator; that about this time James Stroud, who rented the lower mill of William and James Marshall, and near to the mill of affirmant's father, said that he had found out the principle of the elevator, and supposed it to be Oliver Evans' plan, and this affirmant assisted in making one according to such discovery; that at first it did not work well, but it was altered so as to answer better. The affirmant says that, after making such elevator, Samuel Stroud invented a hop-

perboy, which on trial did not answer the intended purpose. That this affirmant then altered the machinery of said Samuel Stroud, but still it would not answer all the purposes required, although much improved; he says that he never saw a perfect hopperboy before Oliver Evans' plan, and he verily believes, as he always hath done, that the said Oliver Evans is the original and true inventor of the hopperboy now commonly in use; and he also believes that said Oliver Evans is the first inventor of the elevator, now likewise in common use in mills for manufacturing flour. The affirmant further says, that his father paid to Oliver Evans a certain sum for the privilege of using his elevator and hopperboy, in the lower mill belonging to his said father, the receipt for which now is, or lately was, in the possession of this affirmant's brother.

(Signed) EDWD. MARSHALL.

Affirmed and signed before me the
(L. S.) 10th of November, 1812.
SAML. STERETT, *Not. Pub.*
Baltimore.

10th. *The following certificate was furnished to O. Evans, without his previous knowledge or request, but from the spontaneous motion of the persons who signed it, for the purpose of correcting some inadvertent expressions which had been drawn from them, by the persons named in it. It has been affirmed to by Mr. James Stroud in Philadelphia, in the absence of Mr. Edward Marshall.*

Staunton, New-Castle county, Del.
January 22, 1813.

This is to certify, that on the 5th day of January instant, Isaac M'Pherson, Samuel Stroud and Thomas Wetherspoon called on us to certify that Samuel Stroud's statements of the mill machinery was correct, and prepared a certificate for us to sign; which after some alterations, we did sign, but it being done in too much haste, and not knowing what use it was to be put to, we were not so particular as we should have been; and upon more deliberate consideration, since we got a copy of our certificate annexed to Samuel Stroud's statements, we find some points not agreeable to our minds, which we beg leave to correct to prevent injustice from taking place.

In the first place it appears in Samuel Stroud's statements, that "Oliver Evans called at the mill to see it, and said that he had planned in his head a similar set;" we declare that Oliver Evans had said that such a thing, as to hoist the meal as fast as the mill ground it, to convey it about the mill, cool, &c. could be done, and he could do it; this he said before James Stroud made the discovery of the elevator, from the screen strap, and before any hopperboy was made by Samuel Stroud or Edward Marshall; which we do not consider to be on the same principle; neither will it answer the same purpose as Evans' hopperboy: We do firmly believe, and it always appeared to be the belief of William Marshall, deceased, that Oliver Evans was the first inventor, and that we *lit* on it from his saying that it could be done, and that he could do it. For any thing else we refer to our depositions, given in Baltimore, which are correct; we could not obtain a copy of Samuel Stroud's statements and our certificate, until yesterday, or we would have wrote sooner.

(Signed) EDWARD MARSHALL,
JAMES STROUD.

A true copy from the original, duly
(L. S.) examined and compared,
BENJ. NONES, *Not. Pub.*
Philadelphia.

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11. The subscriber, unsolicited by, and unknown to OLIVER EVANS, feels it due to truth and justice to state his recollections of the mill machinery. He well remembers when at the *Brandywine mills*, they used to hoist the flour from the lower story to the loft, in large buckets or tubs, filled by shovels from the chests into which the flour fell from the mill-stones—he has also frequently seen a man employed at these mills in heaping the flour over the *hopper* to let it pass into the bolting cloth below. Born in the neighborhood of these mills, and passing his infancy and youth at *Wilmington*, within half a mile of them; and going there to swim and to skate, as well as for other juvenile amusements, the place presenting delightful advantages for their enjoyment, he has passed through those mills, or some of them, many hundred times, before and since the improvements were introduced. His young mind was much pleased to observe the little buckets (*the elevator*,) supplying the place of the large one, above alluded to; and he was much amused to see the labors of the *hopperboy*, that spread, cooled and collected the meal, without manual labor, to the spot where it was wanted; nor was he less agreeably surprised at the operation of the *conveyor*, that, while it cooled the flour, passed it on to the place where the *elevator* caught it. He also recollects to have heard it stated that the introduction of this machinery would throw more than twenty persons out of employ at *Brandywine*—and always understood that these *innovations* on the old mode of manufacturing flour, were made by *Oliver Evans*.

While writing the above an old *schoolmate* is at my elbow, who has precisely the same recollections Neither of us pretend to know that *Oliver Evans* really invented those things; but are very certain that *common*

fame gave him the credit of them at the time they were introduced at the *Brandywine mills.*

H. NILES,
Editor of the Register.

Baltimore, Feb. 10, 1813.

Estimate of Profits.

FROM THE FREEMAN'S JOURNAL.

On the trial of a cause in the circuit court of the United States, for the Maryland district, Baltimore, December 3d, 1812, *Oliver Evans* was plaintiff, *Samuel Robinson* defendant, which continued four days—one thousand eight hundred and fifty dollars damages were recovered by the plaintiff.

It was proved by the witnesses, that Evans' invention and improvements in the art of manufacturing flour, not only caused a saving of full one half of the labor of attendance, but manufactured the flour better, and made about twenty-eight pounds of superfine flour more to each barrel of flour than is made in the old way, equal at least to fifty cents gain to the miller on each barrel manufactured, besides various other profits and advantages.

In the old way, one miller for every ten barrels manufactured per day was at least required; with these improvements, one miller for every twenty barrels is sufficient, therefore for every twenty barrels manufactured per day one hand is saved.

Ellicott's mills on Gwin's Falls, two miles from Baltimore, with eight pair of seven feet millstones, make three hundred and twenty-five barrels per day, which divided by 20 give 16¼ hands saved, their wages and board rated at three hunded dollars per year each, is	$4,875
325 barrels per day, say for only two hundred days per year is, 65,000 barrels per year, which at fifty cents gain each barrel, as proved by the witnesses, is	32,500
Total gain by the use of the improvements in these mills per year	40,375
Ellicott's mills at Patapsco, make 185 barrels per day, and by the same rule of calculation, their gain by the improvements per year is	21,275
They (Ellicotts) have other mills near Baltimore, making about two hundred and fifty barrels per day, the gain in them is .	28,750
Total gained by the Ellicotts near Baltimore, by the use of these improvements in one year, is	92,400
They will have the benefits for the whole patent term, 14 years .	1,293,600
Elisha Tyson has used the improvements for twenty-two years, making seventy barrels of flour per day, his gain has been in that time	180,400

This shews the great value of labor-saving useful improvements, and how those gain that first begin to use them. Although a part of the gains may have found the way to the hand of the farmer and the consumer, yet it is evident that neither of the Ellicotts would accept the above sums, stated to be yearly gained, if tendered to them to abandon the use of the improvements, and continue the milling business, as usual.

It shews also, that those who have refused to use said improvements have suffered great loss, the profits of their labors have went into the hands of those who have used them.

Those great improvements were at first given away by the inventor, with his thanks to those who would take them gratis to shew their utility.

He now demands, as compensation, about one-eighth part of the sum the miller gains in one year by their use, or the sum saved in wages and board alone, in one year, for license to use them during his patent term. Perhaps there never was an instance of such low charges for so great a patented improvement.

☞ For full information on the arts of building mills, and manufacturing flour, with particular description of the most improved mill machinery, see Oliver Evans' book entitled, "The Young Mill-Wright's and Miller's Guide."

*** For further information on Steam and Steam Engines, see Oliver Evans' book entitled "The Abortion of the Young Steam Engineer's Guide."

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